

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR SUMTER COUNTY, FLORIDA**

SUMTER COUNTY, FLORIDA, a
political subdivision of the State of Florida,

Plaintiff,

vs.

CASE NO.:

**A.C.M.S., INC., dba THE HEART OF
FLORIDA LANDFILL**, a Florida profit
corporation, and **WASTE CONNECTIONS
OF FLORIDA, INC.**, a foreign corporation,

Defendants.

**VERIFIED COMPLAINT FOR TRESPASS, PUBLIC NUISANCE, AND
TEMPORARY AND PERMANENT INJUNCTIVE RELIEF AND
DEMAND FOR JURY TRIAL**

Plaintiff, **SUMTER COUNTY, FLORIDA**, a political subdivision of the State of Florida, acting by and through its Board of County Commissioners (hereinafter, the “Plaintiff” or the “County”), in accordance with *Section 60.05, Florida Statutes and Fla. R. Civ. Pro 1.610*, hereby sues Defendants, **A.C.M.S., INC., d/b/a THE HEART OF FLORIDA LANDFILL**, a Florida profit corporation (hereinafter referred to as “ACMS”) and **WASTE CONNECTIONS OF FLORIDA, INC.**, a foreign corporation (hereinafter referred to as “Waste Connections”), (both Defendants hereinafter referred collectively as to the “Defendants”), alleges as follows:

JURISDICTION AND VENUE

1. This is an action for damages, in an amount exceeding \$50,000.00, exclusive of interest, costs and attorney fees, and for temporary and permanent injunctive relief on three (3) counts: trespass, public nuisance, and permanent injunction.

2. Jurisdiction is proper in this court pursuant to *Sections 26.012 and 34.01, Florida Statutes*.

3. Venue is proper in this court pursuant to *Section 47.011, Florida Statutes*, because the real property and landfill facilities at issue are located entirely within Sumter County, Florida.

THE PARTIES

4. Plaintiff, Sumter County, Florida, is a political subdivision of the State of Florida, acting by and through its Board of County Commissioners, whose principal address is 7375 Powell Road, Wildwood, Florida 34785.

5. Defendant, A.C.M.S., Inc., is a Florida profit corporation, doing business as the “Heart of Florida Landfill,” with a principal place of business located 3 Waterway Square Place, Suite 110, The Woodlands, Texas 77380 and is operating a Landfill (defined hereafter) at 1032 C.R. 529A, Lake Panasoffkee, FL 33538 (hereinafter “ACMS”).

6. Defendant, Waste Connections of Florida, Inc., is a Delaware foreign corporation, formerly known as Progressive Waste Solutions of FL, Inc., that purchased 100% of the issued and outstanding stock of ACMS on April 1, 2018 (hereinafter “Waste Connections”). Waste Connections has its principal place of business at 3 Waterway Square Place, Suite 110, The Woodlands, Texas 77380 and is responsible for ACMS’s operations of the Landfill (defined hereafter) at issue in this matter. (ACMS and Waste Connections shall be collectively referred to as Defendants.)

GENERAL ALLEGATIONS

7. The Heart of Florida Landfill (hereinafter, the “Landfill”), is located in the City of Bushnell, Sumter County, Florida and is being operated by the Defendants.

8. The Landfill covers a 750-acre tract and was permitted as a Class I landfill to meet long-term regional waste disposal needs which accepts up to 10,000 tons per day of non-hazardous solid waste.

9. The Landfill operates pursuant to various laws, rules, regulations, permits and approvals issued by governmental entities, including the Florida Department of Environmental Protection (hereinafter “FDEP”), the City of Bushnell (hereinafter, the “City”), and other applicable governmental authorities.

10. The waste permitted to be accepted in the Landfill includes waste classified as municipal solid waste (MSW), commercial waste, industrial waste, agriculture waste, construction & demolition (C&D) debris, water and air treatment sludge, industrial and domestic sludge, incinerator and waste-to-energy ash, shredded tires and asbestos containing materials.

11. The Landfill operates subject to the requirements and approvals of various permits including, but not limited to, FDEP Solid Waste Construction Renewal Permit No. 0161263-024-SC-01, FDEP Solid Waste Operation Renewal Permit No. 0616263-025-SO-MM, FDEP Environmental Resource Permit No. 60-0286227-02, FDEP Environmental Resource Permit No. 60-0286227-004, FDEP Environmental Resource Permit No. 60-0286227-008, and FDEP Title V Air Operating Permit No. 1190053-005-AV and the City of Bushnell Construction and Operation Permit.

12. Beginning in or before the Spring of 2025, Plaintiff began receiving complaints from residents regarding recurring prolific unbearable and noxious odors surrounding the Landfill permeating the surrounding neighborhoods in the unincorporated areas of Sumter County, Florida.

13. On information and belief, the main odor sources at the Landfill including but not limited to landfill gas generated by the decomposition of solid waste; emissions of odorous compounds from landfill leachate; emissions from permitted sources; and odors generated from other permitted operations occurring on the premises which may be derived from property leased by Defendants to other entities.

14. On or about June 25, 2025, FDEP issued a Compliance Assistance Offer letter concerning conditions at the Landfill specifically, potential noncompliance with the requirements of Chapter 403, Florida Statutes, Rules 62-296.320 and 63-701.530, Florida Administrative Code, and Title V Air Permit No. 1190053-007-AV Conditions FW2 and FW3 (the “June 2025 Compliance Assistance Letter”).

15. The June 25, 2025, Compliance Assistance Letter provided steps that ACMS should take to address the concerns and abate the odor emanating from the Landfill.

16. On or about June 26, 2025, the City mailed a Notice of Intent to Revoke, providing a formal notice to ACMS, of the City’s intent to revoke the Construction and Operating Permit Solid Waste/Landfill issued December 2020 due to violations of the terms and conditions of the permit and regulatory requirements (the “Bushnell Notice of Intent to Revoke”).

17. The Bushnell Notice of Intent to Revoke provided ACMS thirty (30) calendar days from the date of the notice to correct the violations and bring the Landfill into full compliance.

18. On or about July 3, 2025, Defendants submitted a response to the June 2025 Compliance Assistance Letter addressing the matters identified (the “Response to FDEP June 2025 Compliance Assistance Letter”).

19. On or about July 7, 2025, Defendants submitted a response and corrective action plan (CAP) to the Bushnell Notice of Intent to Revoke stating that the Response to the FDEP June 2025 addressed the concerns from the City.

20. On or about July 26, 2025, the City issued a letter to ACMS accepting the CAP and extended the compliance deadline until December 1, 2025.

21. In their response to the Bushnell Notice of Intent to Revoke, Defendants stated that while it is acknowledged that an odor detection is noted, they maintained that the Landfill is not

the source of the numerous off-site complaints, and further alleged that their compliance history with both air and solid waste inspections was consistently satisfactory with the FDEP.

22. The City of Bushnell then retained Arcadis U.S., Inc., (hereinafter referred to as “Arcadis”), as a consultant to assess the compliance status of the Landfill and to provide an independent opinion on Defendants completion of the CAP and compliance with City requirements.

23. On or about December 9, 2025, Arcadis issued a report concerning the CAP submitted by the Defendants. Attached hereto and incorporated herein as if stated as **Exhibit “A”** is the ACMS Heart of Florida Landfill Corrective Action Plan Compliance Evaluation dated December 9, 2025 (hereinafter, the “Arcadis Report”).

24. The Arcadis Report concluded that the corrective actions identified in the CAP had been completed and that the violations identified in the Bushnell Notice of Intent to Revoke had been cured.

25. Notwithstanding the conclusions contained in the Arcadis Report, the Sumter County Board of County Commissioners continues to receive complaints from residents concerning recurring unbearable and noxious odors in the unincorporated areas surrounding the Landfill.

26. Residents report that the odor makes it unbearable to be outside their home or to leave their windows open. Some residents further assert that the odor is poor air quality and has contributed to their adverse health effects or aggravated existing health conditions.

27. The recurring and ongoing nature of the resident complaints received by Sumter County indicates that the Defendants have failed to consistently, routinely, and reliably abate the sources of the proliferating unbearable and noxious odors.

28. The Landfill is subject to the regulatory authority of the City of Bushnell and FDEP.

29. The Plaintiff does not have any regulatory authority over the Landfill, and therefore has no administrative or regulatory authority or mechanism to obtain relief for itself or its residents for the actions, or lack thereof, of Defendants.

30. The Plaintiff does however have a compelling interest in protecting the health, safety, and welfare of its residents, including those persons residing in and around the areas affected by the actions of Defendants in failing to control the proliferation of the unbearable and noxious odors emitted by Landfill operations.

31. On April 10, 2026, Sumter County made written demand to Defendants to take immediate and consistent action to prevent, mitigate, and remediate objectionable odors associated with the Landfill. Attached hereto as **Exhibit “B”** is Sumter County’s Demand Letter dated April 10, 2026 that is incorporated herein *in haec versa* (hereinafter “County’s Demand Letter”).

32. The County’s Demand Letter sought Defendants’ compliance with all applicable requirements governing the Landfill, including applicable provisions of Chapter 403, Florida Statutes, Florida Administrative Code Rule 62-296.320, Florida Administrative Code Rule 62-701.530, and the applicable odor control and air quality provisions of the Landfill’s Title V Air Operating Permit.

33. Despite the Plaintiff’s efforts to obtain consistent and reliable abatement of the reported conditions, residents continue to report complaints of recurring unbearable and noxious odors associated with the Landfill.

34. The conditions described herein are ongoing and recurring, and the Plaintiff seeks appropriate relief to require the conditions to be addressed and abated in accordance with applicable law and the terms and conditions of the issued permits governing the Landfill.

35. The Plaintiff has retained the services of the undersigned attorney to represent it in this matter.

COUNT ONE: TRESPASS

36. Plaintiff reincorporates the allegations set forth in Paragraphs 1 through 35 above as if fully set forth herein.

37. Defendants operate a Class I Landfill that collects tons of garbage transported to its facilities from not only Sumter County but other counties across Florida.

38. Defendants owe a duty to the general public of Sumter County, including the Plaintiff herein, to conduct their business, in particular the maintenance and/or operation of the Landfill, in a manner that does not threaten harm or injury to the public welfare from operation of the Landfill.

39. Beginning on or before Spring of 2025, residents have asserted to Plaintiff that the Landfill has been emitting pervasive unbearable and noxious odors that travel beyond the Landfill's boundaries and permeate the neighboring communities in the unincorporated areas of Sumter County, Florida.

40. Defendants have failed to implement successful odor remediation programs.

41. The odorous, airborne chemical compounds generated by the Landfill are regularly pushed by wind currents across property lines directly across the boundaries of the Landfill onto property in the surrounding areas owned by concerned residents, including real property owned by the Plaintiff.

42. The proliferation of noxious, unbearable odors onto properties of neighboring residents has caused, and will continue to cause, physical discomfort, outdoor spaces to be unusable, and residents to take refuge inside their homes.

43. Defendants have a duty to operate the Landfill in compliance with all laws, rules, regulations and permits, and in a manner that prevents the unauthorized escape and migration of odors onto adjacent properties around the Landfill.

44. Defendants, by acting and/or failing to act, as alleged hereinabove, have interfered with the comfortable occupancy, use, and/or enjoyment of the property of the Plaintiff.

45. Defendants, by acting and/or failing to act, as alleged hereinabove, have interfered with the comfortable occupancy, use, and enjoyment of the property of many local residents in Sumter County, Florida living near or around the Landfill.

46. Plaintiff did not consent, expressly or impliedly, to Defendants' wrongful conduct described herein.

47. The entry of airborne odor particulate matter onto the Plaintiff's and residents' land constitutes a trespass where the deposition of Landfill's odor compounds on the adjacent properties and the permeation into neighboring areas, represents a physical invasion that interferes with Plaintiffs' and its residents' right to exclusive and uninvaded possession of their respective properties.

48. This invasion of airborne odor particulate matter causes damage to the Plaintiff's and residents' property uses and habitability.

49. The damaging effects of the Defendants' method of maintenance or failure to maintain is ongoing and affects the public at large.

50. As a direct and legal result of the conduct of Defendants, Plaintiff and its residents have suffered harm in that they have lost the occupancy, possession, use, and/or enjoyment of their land, real and/or personal property, including, but not limited to: a reasonable and rational fear that the

area is dangerous; a diminution in the fair market value of their property; an impairment of the salability of its property; and lingering objectionable odors.

WHEREFORE, the Plaintiff, **SUMTER COUNTY, FLORIDA**, a political subdivision of the State of Florida, acting by and through its Board of County Commissioners, on behalf of itself and its residents, demand judgment against the Defendants for monetary damages for the environmental damage done, costs and attorney's fees to the extent allowed by law, and any further relief the Court deems just and proper.

COUNT TWO: PUBLIC NUISANCE

51. The Plaintiff reincorporates the allegations set forth in Paragraphs 1 through 35 above as if fully set forth herein.

52. The recurring odors described herein affect and interfere with the health, comfort, repose, safety, and welfare of the public residing in neighborhoods surrounding the Landfill.

53. The conditions described herein are not isolated occurrences but are recurring and ongoing conditions for which the Plaintiff has continued to receive complaints from residents notwithstanding corrective actions previously undertaken by Defendants.

54. The conditions described herein constitute a public nuisance because they affect a substantial number of persons in the surrounding communities and interfere with rights and interests common to the public.

55. The conditions described herein constitute a violation of *Section 823.05(1), Florida Statutes*, as Defendants have failed to operate their Landfill in full compliance with all rules, regulations, permits and approvals.

56. Defendants' operation of the Landfill is subject to applicable requirements governing air quality and odor control, including Chapter 403, Florida Statutes, Florida Administrative Code

Rule 62-296.320, Florida Administrative Code Rule 62-701.530, and the applicable terms and conditions of the Landfill's Title V Air Operating Permit concerning odor control and air quality.

57. Florida Administrative Code Rule 62-296.320 prohibits the causing, suffering, allowing, or permitting of air pollution that causes or contributes to an objectionable odor.

58. Florida Administrative Code Rule 62-701.530 establishes requirements relating to landfill gas management and the minimization and remediation of off-site odors.

59. The recurring unbearable and noxious odors, and the indication of poor air quality described herein, associated with the operation of the Landfill are conditions the Defendants are required to prevent, mitigate, and remediate pursuant to applicable law and the terms and conditions of the permits governing the Landfill.

60. The odor and related poor air quality, described herein, are due to the Defendants failure to strictly comply laws, rules, regulations, permits and approvals governing the Landfill and its operations.

61. Due to this compliance failure, the Landfill is a public nuisance as provided under *Section 823.05(1)(d), Florida Statutes*, and the Plaintiff is empowered under *Section 60.05, Florida Statutes*, to institute this action for injunctive relief to have the operations cease until compliance is achieved.

62. Plaintiff has the clear statutory right under *Section 60.05, Florida Statutes*, to seek this remedy and also the constitutional right to protect the health, safety, and general welfare of its citizens from environmental hazards and threats.

63. Defendants have been placed on notice of the odor and air quality concerns associated with the Landfill, including by the Plaintiff's Demand Letter.

64. Despite prior notice and Defendants' efforts to implement corrective action, the Plaintiff continues to receive complaints of recurring unbearable and noxious odors and concerns of poor air quality associated with the Landfill.

65. The continued existence of the conditions described herein constitutes an ongoing and continuing public nuisance that threatens the health, safety, comfort, and welfare of the general public, particularly individuals residing in communities around the Landfill.

66. Defendants' continued actions and failure to comply with all applicable laws, rules, regulations, permits and approvals, unless enjoined by order of this Court, will cause irreparable harm to the Plaintiff and its residents.

67. Plaintiff has no adequate remedy at law to have the operations cease or come into compliance with the rules, regulations, permits and approvals.

68. The entry of an injunction to force compliance with the all applicable laws, rules, regulations, permits and approvals will serve the public interest as it will stop the illegal proliferation of unbearable and noxious odor and poor air quality emitting from the Landfill.

WHEREFORE, the Plaintiff, **SUMTER COUNTY, FLORIDA**, a political subdivision of the State of Florida, acting by and through its Board of County Commissioners, demands judgment in its favor against Defendants for damages and injunctive relief under *Section 60.05, Florida Statutes*, for attorney's fees and court costs incurred in this action, and for such other and further relief as this Court may deem just and proper.

COUNT THREE: TEMPORARY AND PERMANENT INJUNCTIVE RELIEF

69. Plaintiff reincorporates the allegations set forth in Paragraphs 1 through 35 above as if fully set forth herein.

70. Defendants' reported activity of continuous and recurring discharge of airborne odor particulate matter onto the residents of Sumter County's property constitutes a continuing public nuisance and trespass that occurs on a daily basis.

71. The Plaintiff has a clear legal right under the Florida Constitution and *Chapter 125, Florida Statutes*, to protect the health, safety, and general welfare of its residents.

72. The Plaintiff and its residents have suffered and will continue to suffer irreparable harm if the Defendants continue to operate the Landfill without successful odor control and mitigation.

73. Monetary damages alone cannot fully compensate the Plaintiff, or its residents, for the ongoing negative impact on their ability to safely live and enjoy use of their property.

74. Plaintiff has no adequate remedy at law to prevent the future daily proliferation of the unbearable and noxious odors onto its property or the property of its residents without court intervention.

75. An injunction enforcing strict compliance with all applicable laws, rules, regulations, permits and approvals and ordering an immediate implementation of effective corrective measures serves the public interest and protects the health, safety, and welfare of the general public, particularly the individuals living in the neighborhoods surrounding the Landfill.

76. As a direct and legal result of Defendants' conduct, the Plaintiff has suffered, and will continue to suffer, irreparable harm to its occupancy, possession, use and/or enjoyment of its property.

77. As a direct and legal result of Defendants' conduct, residents of Sumter County have suffered, and will continue to suffer, irreparable harm including discomfort, anxiety, fear, worries, annoyance, stress and other negative health impacts, with their occupancy, possession, use and/or enjoyment of their property.

78. A reasonable, ordinary person would be reasonably annoyed or disturbed by the adverse conditions created by the Defendants.

79. Defendants' conduct is unreasonable and the seriousness of the harm to the Plaintiff and the public outweighs the social utility of the Defendants' conduct.

80. Defendants' continuing conduct, or lack thereof, is not an isolated incident but is an ongoing repeated course of conduct lasting over one year.

81. Defendants' unreasonable conduct, or lack thereof, is a direct and legal cause of the harm, injury, and damage to the Plaintiff, and its residents.

82. Defendants' failure to properly maintain the Landfill and to adequately mitigate odors has exposed the Plaintiff and its citizens to irreparable and ongoing harm.

83. The Plaintiff seeks a temporary and permanent injunction against Defendants ordering cessation of operational practices generating the proliferation of the unbearable and noxious odors and compelling strict compliance with all applicable laws, rules, regulations, permits and approvals for the Landfill.

84. Plaintiff also seeks an order directing Defendants to abate the existing and continuing trespass and public nuisance.

WHEREFORE, Plaintiff, **SUMTER COUNTY, FLORIDA**, respectfully requests that this Honorable Court:

- A. Enter judgment in favor of the Plaintiff and against the Defendants;
- B. Grant a temporary injunction requiring Defendants to immediately abate the proliferating odors, until such time as Plaintiff's right to a permanent injunction is determined based on a final trial on its claims;

- C. Enter a permanent injunction requiring the Defendants to abate the odor and take all reasonable and legally required measures necessary to prevent, mitigate, and remediate unbearable and noxious odors associated with the Landfill;
- D. Require Defendants to comply with all applicable laws, rules, regulations, permits and approvals for the Landfill including provisions of Chapter 403, Florida Statutes, Florida Administrative Code Rules 62-296.320 and 62-701.530, and the applicable odor control and air quality provisions of the Landfill's Title V Air Operating Permit;
- E. Award Plaintiff its recoverable attorney's fees and costs; and
- F. Grant Plaintiff any other relief to which it is entitled under Florida law; and
- G. Grant such other and further relief as this Honorable Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury of all issues so triable.

Respectfully submitted this 22nd day
of September 2026,

/s/ Jennifer C. Rey, Esq.

JENNIFER C. REY, ESQ.

Florida Bar No.: 0041997

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Counsel for Sumter County, Florida

FLA. R. CIV. PRO. 1.610
VERIFICATION OF COMPLAINT

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged therein are true and correct to the best of my knowledge and belief.

Date: 22 SEPTEMBER 2024

By: 
Bradley Arnold, County Administrator
**SUMTER COUNTY BOARD OF
COUNTY COMMISSIONERS**

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City of Bushnell

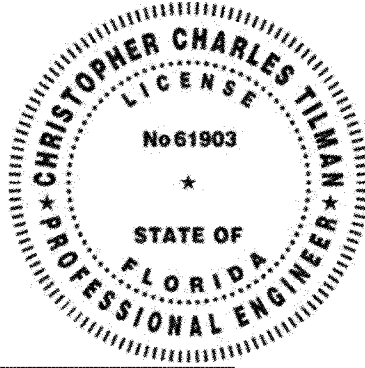
ACMS Heart of Florida Landfill Corrective Action Plan Compliance Evaluation

Final Report

December 9, 2025

Exhibit "A"

Christopher C
Tilman
2025.12.09
10:45:59 -05'00'



Christopher C. Tilman, PE
Arcadis U.S., Inc.
Project Manager
Florida PE No. 61903

A handwritten signature in black ink, appearing to read "Arpita Meher".

Arpita Meher
Arcadis U.S., Inc.
Deputy Project Manager

ACMS HEART OF
FLORIDA LANDFILL
CORRECTIVE
ACTION PLAN
COMPLIANCE
EVALUATION

Prepared for:
The City of Bushnell
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Prepared by:
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Our Ref.:

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Date:

December 9, 2025

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APPENDICES

Appendix A.	FDEP Compliance Assistance Offer
Appendix B.	City of Bushnell Notice of Intent to Revoke the Construction and Operation Permit
Appendix C.	ACMS Response to the City's NOI
Appendix D.	City of Bushnell Formal Acceptance of CAP and Extension of Compliance Deadlines
Appendix E.	Olfactory Sampling Results

1 INTRODUCTION

1.1 Purpose

On June 25, 2025, the Florida Department of Environmental Protection (FDEP or the Department) issued a Compliance Assistance Offer (CAO) (included as Appendix A) stating that an off-site complaint investigation was conducted for the Heart of Florida Landfill (Landfill), owned and operated by ACMS, Inc. (ACMS) on May 9, 2025. During this investigation, objectionable odors were confirmed beyond the landfill property boundary. The purpose of this letter was to notify ACMS of the odors and to offer compliance assistance as a means of resolving the matter. It is important to note that the CAO is not a Notice of Violation.

In the CAO, the FDEP indicated potential noncompliance with the requirements of Chapter 403, Florida Statutes, Rules 62-296.320 and 63-701.530, Florida Administrative Code, and Title V Air Permit No. 1190053-007-AV Conditions FW2 and FW3 were observed.

Per Permit No. 1190053-007-AV Condition FW3, after being notified by the Department that objectionable odors have been confirmed beyond the landfill property boundary, the owner or operator shall:

- 1) Immediately take steps to reduce the objectionable odors. Such steps may include applying or increasing initial cover, reducing the size of the working face, and ceasing operations in the areas where odors have been detected.
- 2) Submit an odor remediation plan for gas releases to the Department for approval. The plan must describe (a) the nature and extent of the odor issue and (b) the proposed long-term remedy which must be initiated within thirty (30) days of Department approval.
- 3) Implement a routine odor monitoring program to determine the timing and extent of any off-site odors, and evaluate the effectiveness of the odor remediation plan.

The FDEP requested a written response from ACMS addressing the above items within seven (7) days of receipt of the CAO.

On June 26, 2025, **following the FDEP's CAO** and after having received numerous odor complaints from residents, the City of Bushnell (City), issued ACMS a Notice of Intent (NOI) to Revoke the Construction and Operation Permit issued by the City in December 2020 for violations of the terms and conditions of the permit and/or applicable regulatory requirements (included as Appendix B). The specific violations identified **in the City's letter** pertain to (a) objectionable odors detected beyond the Landfill property boundaries, as documented by both FDEP and the City, and (b) visibility of the Landfill working face and equipment from adjacent roadways.

In the NOI, the City gave ACMS thirty (30) calendar days to correct the violations, and required the following actions to cure the violations:

- 1) Provide written Corrective Action Plan (CAP) submitted within ten (10) calendar days detailing the steps and timeline for full remediation.
- 2) Provide evidence of completed corrective actions.
- 3) Allow for re-inspection by City of Bushnell and FDEP personnel after corrective actions are completed.

On July 3, 2025 ACMS submitted a response letter to the FDEP regarding the CAO. On July 7, 2025 ACMS submitted a response letter to the City's NOI (included as Appendix C) and indicated that their July 3, 2025 response to FDEP fully satisfies the intent and substance of a CAP.

On July 26, 2025, the City issued a letter to ACMS formally accepting the CAP and extending the compliance deadline to December 1, 2025 (included as Appendix D).

The City engaged Arcadis U.S., Inc. (Arcadis) to assess the current compliance status of the Landfill and to provide an independent opinion on whether ACMS has fulfilled the requirements outlined in the submitted CAP and addressed the violations specified in the NOI. Additionally, the City requested that Arcadis provide recommendations regarding the renewal of the Construction and Operation Permit with ACMS, which is set to expire on December 21, 2025.

1.2 Background

1.2.1 Heart of Florida Landfill

The Heart of Florida Landfill, which opened in 2013, is a permitted Class I landfill located at 1032 County Road (CR) 529A, Lake Panasoffkee, FL 33538. The Landfill covers a 750-acre tract (See Figure 1) and was permitted by the City in 2011 to meet long-term regional waste disposal needs. ACMS owns and operates the Landfill, which accepts up to 10,000 tons per day of non-hazardous solid waste.

The waste permitted to be accepted in this Class I landfill includes waste classified as municipal solid waste (MSW), commercial waste, industrial waste, agricultural waste, construction & demolition (C&D) debris, water and air treatment sludge, industrial and domestic sludge, incinerator and waste-to-energy ash, shredded tires and asbestos containing materials.

Its strategic location near major highways like I-75 and the Florida

Turnpike enables easy access for commercial waste haulers from several Florida markets. Most of the collection and transfer truck traffic associated with the Landfill occurs along SR 301, CR 475, I-75 and the Florida Turnpike.

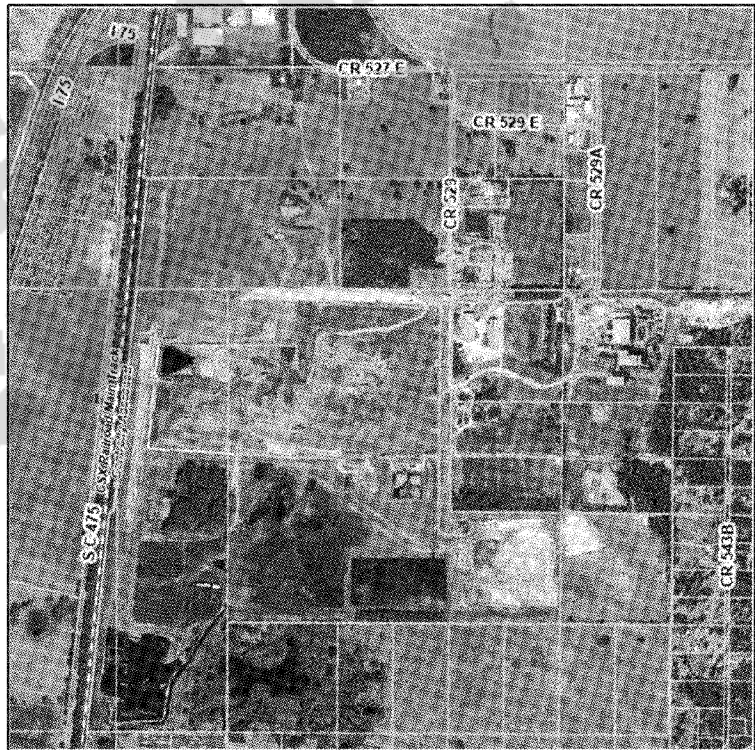


Figure 1. Heart of Florida Landfill property (courtesy Sumter County Property Appraiser)

1.2.2 Compost USA Operations

ACMS leases approximately 13.5 acres of the Landfill property to Compost USA for biosolids composting. The Compost USA facility receives and processes clean yard waste into mulch, which is then mixed with biosolids from wastewater facilities, formed into a series of windrows, and composted.

Using controlled aerobic decomposition, Compost USA converts these organic materials into high-quality compost suitable for agricultural, landscaping, and horticultural applications. Operations typically involve the collection, sorting, and blending of incoming materials to optimize the carbon-to-nitrogen ratio required for efficient composting. Materials are arranged in windrows or static piles and are regularly turned or aerated to ensure proper oxygenation and temperature control. The composting process is monitored closely to meet regulatory requirements, control odors, and prevent issues such as leachate runoff. Finished compost is screened for contaminants and graded for quality before being sold to farmers, landscapers, and local gardeners.

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2 EVALUATION METHODOLOGY

The methodology used for this compliance evaluation was divided into two key steps, which are described below.

2.1 Review Available Documentation

The first step in the evaluation was to obtain and review available documentation related to the CAP, including Landfill permits, engineering drawings, calculations, construction documents, as-built drawings, correspondence, and other relevant information.

2.2 Conduct Site Visits

The second step was to directly confirm that the physical and operational conditions of the Landfill were consistent with the terms of the CAP. This work included performing site visits to the Landfill and surrounding areas to inspect the site, observe and review operations at the site, communicate with the Landfill operator and visually confirm the operational changes and construction of landfill modifications included in the CAP. During the site visits, olfactory odor samples were conducted at various locations in the area around the Landfill to evaluate the effectiveness of odor control systems employed at the Landfill.

Arcadis performed four site visits to accomplish the following portions of the evaluation:

- Visit the Landfill to observe and review the operations, equipment, and odor control measures at the Class I landfill site and the Compost USA facility.
- Meet with ACMS and Compost USA staff and discuss planned operational changes and the status of actions included in the CAP.
- Visit the surrounding areas and conduct olfactory sampling to identify the type of odors in the vicinity of the Landfill.

Arcadis staff completed the site visits on October 9, October 17, October 23, and November 12, 2025.

2.3 Compliance Evaluation

The last step was to review each of the specific actions included in the CAP and determine their compliance status based on the results of the first two steps above.

3 COMPLIANCE EVALUATION

3.1 Review of Available Documentation

Arcadis reviewed available documentation related to the Landfill and the recent odor complaints, including relevant correspondence between the City, ACMS, and FDEP, City records and ordinances, published news articles, and FDEP permits and related documents. A summary of the evaluation results is included in the sections that follow.

3.1.1 Permit Review

This section summarizes the current permits for the Landfill and brief discussions of the main sources of odor at the Landfill and the associated odor control systems.

The Landfill currently holds several construction and operation permits:

- 1) FDEP Solid Waste Construction Renewal Permit 0161263-024-SC-01, which authorizes the construction of the current and future Landfill sub-cells. In this permit, the Landfill description indicates 280.3 acres of total disposal area, with an average daily load of 5,195 tons per day under normal operating conditions. The permitted disposal area consists of 19 sub-cells, of which sub-cells 1-4 (now 1-7) are currently active and authorizes the construction of sub-cells 5-8 and 9-19.
- 2) FDEP Solid Waste Operation Renewal Permit No. 0616263-025-SO-MM, which authorizes the operation of the current and future Landfill sub-cells. In this permit, the Landfill description indicates 119.3 acres of total disposal area, with an average daily load of 2,000 tons per day under normal operating conditions. The permitted disposal area consists of 8 sub-cells, of which sub-cells 1-4 (now 1-7) are currently active.
- 3) FDEP Environmental Resource Permit (ERP) No. 60-0286227-02, which authorizes the surface water management system, perimeter swale system, wet detention pond, paved access road, truck loading area, leachate storage tank area, landscape berm, temporary stockpiles, and borrow pits.
- 4) FDEP ERP No. 60-0286227-004, which authorized the construction of a surface water management system and associated facilities for sub-cells 1-4
- 5) FDEP ERP No. 60-0286227-008, which authorized the construction of a surface water management system and associated facilities for sub-cells 5-8
- 6) FDEP Title V Air Operating Permit No. 1190053-005-AV, which authorizes the construction of the landfill gas collection system and utility flare.
- 7) City of Bushnell Construction and Operation Permit, which authorizes the construction and operation of the Landfill in accordance with the City's Land Developments Code.

Landfill Odor Sources

The main odor sources at the Landfill include the following:

- Landfill gas generated by the decomposition of solid waste

- Emissions of odorous compounds from landfill leachate
- Emissions from permitted sources (i.e., utility flare, solar spark flares, and the leachate evaporator)
- Emissions of odorous compounds from the Compost USA biosolids composting facility.

The sections below summarize the current systems and methods employed at the Landfill and the Compost USA facility to control odors.

Gas Collection and Control System (GCCS)

The Landfill began operations in 2013. The FDEP Title V Air Operating Permit No. 1190053-005-AV, which was issued on January 7, 2019, indicated then that no gas collection and control system was in place. Further, because the calculated landfill gas emissions were below the regulatory threshold requirements, Landfill gas emissions were not required to be collected and controlled at that time. ACMS is required to submit annual emissions estimates to FDEP so the threshold for requiring a Landfill gas collection and control system can be re-evaluated.

Based on the current calculated emission rate provided by ACMS and reported to FDEP, the Landfill is not required to install a gas collection system until January 2028. However, ACMS proactively installed a GCCS in 2021, including 19 vertical gas collection wells and a 3,000 standard cubic foot per minute (scfm) capacity utility flare, and has conducted annual expansions of the GCCS system as sub-cell filling progressed. To date, ACMS has installed 105 landfill gas collection wells across 97.5 acres of Landfill, and landfill gas is being collected from 14 leachate collection system risers. In addition, ACMS installed pumps in all GCCS wells to maximize gas collection.

In order to control odors, the Landfill collects landfill gas from perimeter leachate cleanouts and the gas wells and routes the gas to ten (10) local solar spark flares or the utility flare.

Currently, the Landfill has seven (7) sub-cells constructed, and four (4) of them are active. The installed GCCS collects landfill gas from three of the sub-cells, and ACMS reported that the spacing between these wells is tight, indicating good coverage over the collection area. During our site visit on October 9, 2025, ACMS indicated that the existing utility flare had reached its 3,000 scfm capacity, and ACMS had received the draft permit from FDEP to increase the flare capacity to 5,000 scfm. ACMS had already planned to obtain a rental flare that could be installed as soon as the final air construction permit was issued by FDEP. ACMS also identified the potential for odors during the installation of gas wells and has implemented a vacuum box system to collect gas during drilling activities to minimize potential for odor emissions.

In further discussions with ACMS, they indicated their intent to continue annual expansions of the GCCS system as sub-cell filling progresses.

Leachate Management

Leachate is defined as water that has come into contact with solid waste, and contains many odorous compounds, including ammonia, hydrogen sulfide, mercaptans, and others. Leachate generated within the Landfill is collected and routed to six (6), 45,500 gallons fiberglass storage tanks inside concrete secondary containment and the approximately 3.5 million-gallons supplemental leachate storage area (three (3) lined and covered leachate storage ponds). Collected leachate is pumped into tanker trucks and transported to an offsite wastewater treatment facility. ACMS reported that they are disposing of approximately one (1) million gallons of leachate per week.

On January 14, 2025, ACMS filed an air construction permit application with FDEP to authorize the installation of a 60,000 gallon per day (gpd) leachate evaporator to help ensure the wellfield remains dewatered, preventing perforations in the gas collection wells from being watered in and reducing gas collection efficiency. FDEP approved the final permit on February 25, 2025 and the leachate evaporator was placed into operation on February 28, 2025.

On July 14, 2025 ACMS filed an air construction permit application for the installation of a larger Skagen F1400 leachate evaporator. The evaporator was to include two (2) evaporation tanks, each with a capacity of 36,000 gpd, for a total capacity of 72,000 gpd, which would be heated by firing landfill gas and/or natural gas.

However, during a visual emissions test of the installed 60,000 gpd leachate evaporator on July 1, 2025, FDEP personnel reported strong objectionable odors coming from the evaporator. ACMS reported that they voluntarily shut down the leachate evaporator in July 2025, and it was subsequently dismantled and removed from the Landfill.

Odor Neutralizer System

In a further effort to control odors at the Landfill, ACMS installed an odor neutralizer system, which is an advanced type of chemical odor control that uses specifically formulated chemicals that bind with odorous compounds and render them undetectable.

From September 22, 2025 through October 25, 2025, ACMS installed the odor neutralization system at three locations within the landfill – around the leachate storage ponds, west and southwest of the working face (along the perimeter of Cells 5-7), and north and northeast of the working face (along the haul roads). The system appears to be deployed correctly to intercept odors close to their sources based on the predominant wind directions, and the neutralizer system locations can be adjusted as the working face moves and filling progresses.

Compost USA Facility Odor Control

Odors at the Compost USA facility may occur during brief periods when incoming biosolids trucks (which are sealed with tarps to reduce odors) are initially unloaded and immediately mixed with clean yard waste. Compost USA staff closely monitor the composting process, and the windrows or static piles are regularly turned or aerated to ensure proper oxygenation and temperature control. As long as the compost process is properly managed and aerobic conditions are maintained, only mild, earthy odors are emitted. Staff reported that if the facility is unable to mix a load immediately, then the delivery is rejected, and the transfer truck is sent back without unloading.

3.2 Site Visit Findings Summary

3.2.1 Olfactory Sampling Results

A summary of the sampling results is presented below, and more detailed sampling results are included in Appendix E. Note that these samples were olfactory tests only; no olfactometers, electronic noses (e-noses), or specific gas analyzers were used during sampling. Also, during the site visits and in discussions with the City and ACMS staff, many other potential odor sources located near the Landfill property were identified, which are discussed in more detail in Section 3.2.2.

Olfactory sampling was performed across multiple locations on all sides of the Landfill throughout each of the four (4) days Arcadis staff visited the Landfill, in a variety of environmental conditions. Temperatures varied from 62°F to 76°F, with variable cloud cover, wind speed and direction, and precipitation. Winds were predominately from the north-northeast (N-NE) direction.

A total of 112 olfactory samples were performed (see Figure 2 below). In most locations no discernible odors were detected, but several different odors were present, including wood waste, wood smoke, earthy compost, manure, vehicle exhaust, chemicals, and others. Mild solid waste odors were detected at a few locations beyond the Landfill property but were attributed to solid waste containers and mobile sources (collection and transfer trucks).

The only offsite objectionable odor detections attributable to the Landfill occurred on October 23, 2025 at two locations on County Road (CR) 475, southwest of the Landfill working face and southwest of the Compost USA facility. The wind was steady at approximately 5-10 mph from the northeast. A strong solid waste odor was detected at the sampling location directly downwind of the Landfill working face, and a strong biosolids odor was detected at the sampling location directly downwind the Compost USA facility. It should be noted that ACMS reported they did not complete the installation of the odor neutralizer system until October 25, 2025. In addition, shortly before the sample near the Compost USA facility was taken, Arcadis staff observed several biosolids delivery trucks on the landfill entrance road that may have been discharging their loads at the Compost USA facility during the time the sampling was conducted.

Overall, the predominant types of odors detected were wood waste, manure, and vehicle exhaust, with occasional solid waste odors from waste containers or mobile sources. Also, Arcadis staff found the detection of odors in the area highly dependent on wind direction and speed.

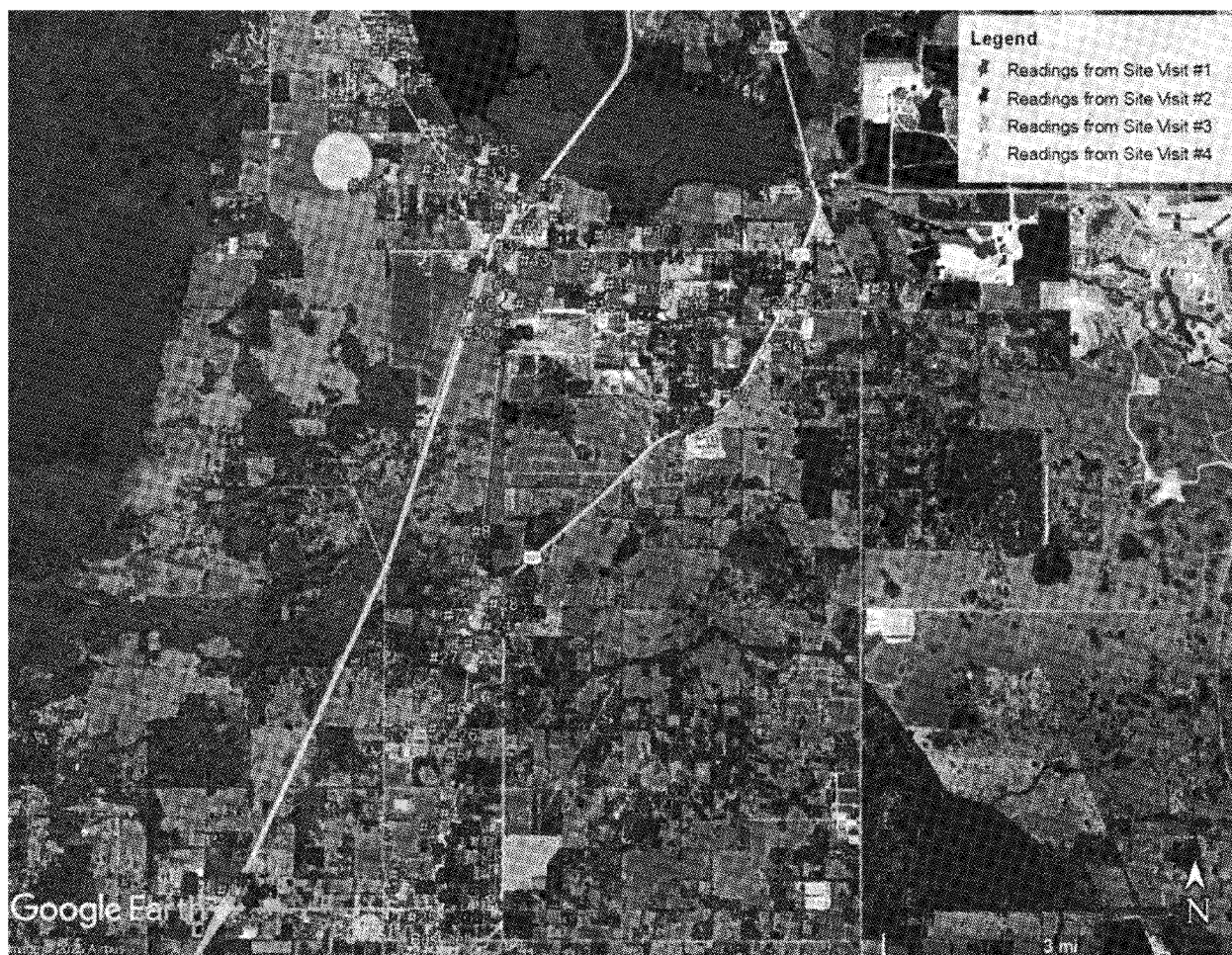


Figure 2 Total Readings Collected (All Site Visits)

3.2.2 Other Potential Odor Sources

There are multiple potential sources of odors in the vicinity of the Landfill contributing to the variety of odors detected in the area. In addition to the Landfill itself, several industrial, agricultural, and waste-handling facilities operate nearby (see Figure 3), each capable of generating distinct odors. This combination of activities and operations can make it challenging to attribute specific odors to a single source, as the surrounding environment contains a mix of wood processing, metal recycling, wastewater treatment, agricultural operations, incineration, and waste storage.

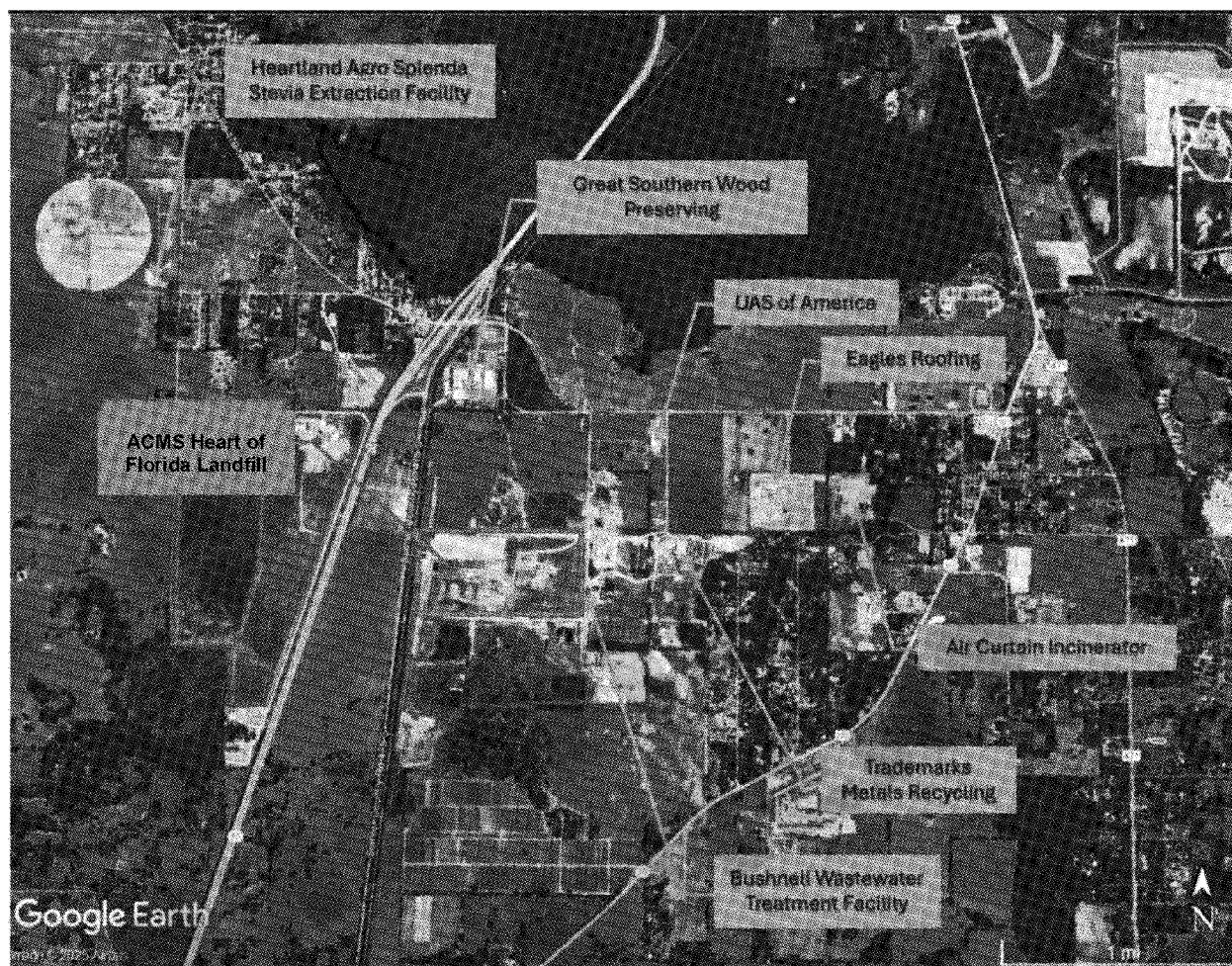


Figure 3 Other Potential Odor Sources in Landfill Vicinity

These potential odor sources include the following:

- Great Southern Wood Preserving - 194 CR 527A, Lake Panasoffkee, FL 33538: A wood treatment facility that handles and processes lumber, often using chemical preservatives to protect wood from decay and insects. The treatment process can produce distinctive chemical and wood odors, which may be noticeable in surrounding areas. Chemical and wood odors were detected during the site visits but could not be directly attributed to this facility.
- Trademark Metals Recycling - 991 CR 529A, Lake Panasoffkee, FL 33538: A metal recycling operation that processes scrap metal, which can generate metallic, oily, or burnt odors during cutting, shredding, and handling of various materials. The facility's activities may also result in noise and dust, contributing to overall environmental impacts. No odors were noticed during the site visits at the entrance of this facility.
- UAS of America, Inc. - UAS, 534 CR 529A, Lake Panasoffkee, FL 33538: UAS of America, Inc. is involved in the production of chemical fertilizers. No odors were noticed during the site visits at the entrance of this facility.

- Eagle Roofing - 1575 CR 470, Lake Panasoffkee, FL 33538: Eagle Roofing manufactures roofing materials, which often involves the handling of asphalt, adhesives, and other industrial chemicals. Production processes at such facilities can emit odors similar to tar, rubber, or solvents, especially during high-activity periods. No odors were noticed during the site visits at the entrance of this facility.
- Bushnell Wastewater Treatment Facility (WWTF): 1199 CR 529A, Lake Panasoffkee, FL 33538: The Bushnell WWTF treats municipal wastewater, a process that commonly results in odors from sewage, sludge, and treatment chemicals. These odors can be especially noticeable depending on the phase of treatment and prevailing wind conditions. No odors were noticed during the site visits at the entrance of this facility, and City staff reported no operational issues at the facility.
- Air Curtain Incinerator - Sumter County Parcel J14-011 (adjacent to the Eagle Roofing property): Air curtain incinerators are used for burning vegetative waste and debris, utilizing high-temperature combustion to reduce material volume. This process can produce smoke and strong burnt wood odors, particularly during active operation. This air curtain incinerator site was not visited by Arcadis.
- Mobile Sources: Solid waste collection and transfer trucks hauling trash, biosolids and other waste material along SR 301, CR 475, I-75, and the Florida Turnpike are identified as mobile sources of odor, contributing to complaints in areas surrounding the landfill. Residents frequently report that unpleasant smells are noticeable not only near the landfill but also along these transportation routes as trucks pass through their communities.
- Solid Waste Rail Haul: There is a CSX rail line located just west of the Landfill that could have trains transporting solid waste to out of state landfills or returning from them that could generate odors along the rail corridor. Further investigation is needed to confirm if solid waste is currently being transported on that line.
- Heartland Agro Splenda Stevia Farm - 344 County Rd 482 N, Lake Panasoffkee, FL 33538: Heartland Agro Splenda Stevia Farm is an agricultural operation focused on cultivating stevia plants. Potential odors from this facility may include those typical of agriculture, such as soil, fertilizer, and decomposing organic matter, especially during planting or harvest times.
- Stationary sources: Three (3) yard front-loader solid waste containers were noted at numerous residential locations near the Landfill, and City staff reported that they are allowed by the County. These bins can be significant odor sources, especially in warm weather or if not emptied regularly.

4 FINDINGS & COMPLIANCE EVALUATION

The purpose of this evaluation is to determine compliance with the CAP submitted by ACMS as required **by the City's Intent to Revoke letter dated June 26, 2025. ACMS did not submit a separate CAP to the City, but in their response letter to the City dated July 7, 2025 ACMS indicated that their July 3, 2025 response to FDEP fully satisfies the intent and substance of a CAP. The City's letter dated July 26, 2025, formally accepted ACMS's response. Therefore, the sections of the two letters that address the compliance issues raised in the City's Intent to Revoke letter dated June 26, 2025, constitute ACMS's submitted CAP and serve as the basis for our compliance evaluation..**

While the two letters contained information related to actions already taken by ACMS regarding the development and operations of the landfill to control odors, the corrective actions that ACMS committed to perform under the CAP were limited to the items below. A discussion of the compliance status of each is included under each item.

1. Corrective Actions included in ACMS's letter to FDEP dated July 3, 2025:

- a) **"In the next two weeks we will apply for an air construction modification to increase the evaporator's fuel burn capacity to achieve the permitted 60,000 gallons per day throughput, further supporting wellfield dewatering and enhancing landfill gas collection."**

Since the letter was issued to FDEP on July 3, 2025 the situation with the leachate evaporator has significantly changed. ACMS filed the original application for an air construction permit with FDEP on January 14, 2025, to construct and operate a leachate evaporator with a capacity of 60,000 gpd. The evaporator was constructed in early 2025 and the final permit was received from FDEP on February 25, 2025. The leachate evaporator commenced operations on February 28, 2025.

On July 1, 2025, FDEP personnel were onsite at the Landfill to observe a visual emissions (VE) test of the leachate evaporator.

On July 14, 2025, ACMS filed an air construction permit application for the installation of a larger Skagen F1400 leachate evaporator. The evaporator was to include two evaporation tanks, each with a capacity of 36,000 gpd, total 72,000 gpd, which would be heated by firing landfill gas and/or natural gas.

On July 17, 2025, the FDEP issued a letter to ACMS, which stated that "On July 1, 2025, Department personnel were onsite at your facility to observe a VE test of the leachate evaporator. The facility demonstrated compliance with VE requirements during the VE test; however, Department personnel did observe a strong objectionable odor emanating from the evaporator **during the VE testing**". The FDEP requested information from ACMS related to the evaporator, landfill flare, and the gas collection system, which ACMS provided on July 31, 2025.

On September 5, 2025 ACMS notified FDEP that they wished to withdraw the application for the air construction and concurrent Title V permit associated with the leachate evaporator. In the notification, ACMS mentioned that they had made the business decision to permanently shut down the leachate evaporator and were in the process of dismantling it for transfer offsite. Additionally, they indicated they would surrender the existing AC Permit No. 1190053-008-AC associated with the leachate evaporator.

On October 21, 2025, the FDEP issued a draft Settlement Agreement to ACMS that included the following requirement: "Effective immediately, [ACMS] will continue to keep the facility's leachate evaporator offline and within 180 days of the effective date of this order will completely disconnect and remove the leachate evaporator from the facility." ACMS has complied with FDEP's direction and removed the leachate evaporator from the Landfill.

b) "In the next two weeks we will apply for a permit to increase flare capacity to 5,000 scfm."

ACMS filed an application for an Air Construction permit on July 14, 2025, to increase the flare capacity to 5,000 scfm.

c) "In the next 4 weeks we will commence installing an odor neutralizing system at the working face."

ACMS reported that they began installing the odor neutralization system at the Landfill on September 22, 2025, and completed it on October 25, 2025. The neutralization system was installed at three locations within the Landfill – around the leachate storage ponds, west and southwest of the working face (along the perimeter of Cells 5-7), and north and northeast of the working face (along the haul roads).

2. Corrective Actions included in the ACMS letter to the City dated July 7, 2025:

a) "We recently met with the City of Bushnell to discuss our ongoing efforts and commitment to addressing odor concerns that may be a result from our operations. As part of our outreach, we will be organizing a public meeting at the city hall where residents are invited to come and ask questions about the landfill operations. This meeting will serve as an open forum for the community to engage with us directly, voice their concerns, and receive information on the measures we are implementing to mitigate any impacts."

City staff confirmed that ACMS conducted a community meeting on July 24, 2025, at the Bushnell Community Center.

b) "We are actively investigating the installation of an odor neutralizing system at the leachate evaporator."

As mentioned above, the leachate evaporator has been removed from the Landfill. This item should be considered resolved.

- c) **“As part of our corrective action strategy, we will be purchasing and installing portable fencing systems to provide additional visual screening of the active working face. These portable barriers will allow us to adapt to changing operational conditions and provide targeted shielding where and when it is most needed.”**

ACMS has installed portable fencing systems, which were observed near the working face during the site visits.

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5 CONCLUSIONS

In the NOI dated June 26, 2025, the City gave ACMS thirty (30) calendar days to correct the violations, and required the following actions to cure the violations:

- 1) A written CAP submitted within ten (10) calendar days detailing the steps and timeline for full remediation.
- 2) Provide evidence of completed corrective actions.
- 3) Allow for re-inspection by City of Bushnell and FDEP personnel after corrective actions are completed.

The City's letter dated July 26, 2025, to ACMS extended the compliance deadline to December 1, 2025.

Based on our review of the available documentation, discussions with City, ACMS, and Compost USA staff, observations during site visits, and our professional experience, we have concluded that ACMS appears to be in compliance with the terms of the submitted CAP, and we have observed, discussed and reviewed evidence of their completed corrective actions. The shutdown and removal of the leachate evaporator, which was documented by FDEP as a significant source of odors, the subsequent installation of the odor neutralizer system, the expansion of the gas collection and control system, and ongoing odor control practices (i.e., placement of sufficient initial cover) appear to be effectively controlling odors at the Landfill, as evidenced by the absence of recent complaints in the City's complaint log and our direct observations. The corrective actions included in the CAP have been completed and the City may consider the items noted in the NOI as cured.

Appendix A

FDEP Compliance Assistance Offer

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FLORIDA DEPARTMENT OF Environmental Protection

Ron DeSantis
Governor

Alexis A. Lambert
Secretary

Central District Office
3319 Maguire Blvd, Suite 232
Orlando Florida 32803

June 25, 2025

Attn: Lizmarie Steel, Regional Engineer
A.C.M.S, Inc.
1032 CR 529A,
Bushnell, FL 33538
lizmarie.steel@wasteconnections.com

Re: Compliance Assistance Offer
Heart of Florida Landfill
Air Facility ID # 1190053
Sumter County

Dear Ms. Steel :

An off-site complaint investigation was conducted for your facility on May 9, 2025. During this investigation, objectionable odors were confirmed beyond the landfill property boundary. The purpose of this letter is to notify the facility of the odors and to offer compliance assistance as a means of resolving this matter.

Specifically, potential noncompliance with the requirements of Chapter 403, Florida Statutes, Rules 62-296.320 and 63-701.530, Florida Administrative Code, and Title V Air Permit No. 1190053-007-AV Conditions FW2 and FW3 were observed.

Per Permit No. 1190053-007-AV Condition FW3, after being notified by the Department that objectionable odors have been confirmed beyond the landfill property boundary, the owner or operator shall:

- 1) Immediately take steps to reduce the objectionable odors. Such steps may include applying or increasing initial cover, reducing the size of the working face, and ceasing operations in the areas where odors have been detected;
- 2) Submit to the Department for approval an odor remediation plan for the gas releases. The plan shall describe the nature and extent of the problem and the proposed long-term remedy. The remedy shall be initiated within 30 days of approval.
- 3) Implement a routine odor monitoring program to determine the timing and extent of any off-site odors, and to evaluate the effectiveness of the odor remediation plan.

We request you review the items of concern noted and respond in writing within **7 days** of receipt of this Compliance Assistance Offer. Your written response should include one of the following:

1. Describe what has been done to resolve the noncompliance issue or provide a schedule describing how/when the issue will be addressed,
2. Provide the requested information, or information that mitigates the concerns or demonstrates them to be invalid, or
3. Arrange to meet with the case manager to discuss the items of concern.

It is the Department's desire that you are able to adequately address the aforementioned issues so that this matter can be closed. Your failure to respond promptly may result in the initiation of formal enforcement proceedings.

Please address your response and any questions to Kage Horvath of the Central District Office at (407) 897-4334 or via e-mail at Kage.Horvath@FloridaDEP.gov. We look forward to your cooperation with this matter.

Sincerely,



Colin Campbell, Environmental Manager
Central District
Florida Department of Environmental Protection

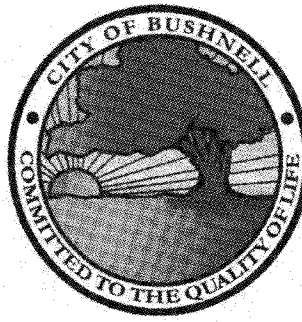
cc: Brett O'Connor, bretto@wasteconnections.com
Don Grigg, don.grigg@wasteconnections.com
Dan Gudgel, dan.gudgel@wasteconnections.com
Heather Wilmoth, heather.wilmoth@wasteconnections.com
Hector Medina Gonzalez, hector.medinagonzalez@wasteconnections.com
Karen Smith, karen.smith@wasteconnections.com

Appendix B

City of Bushnell Notice of Intent to Revoke the Construction and Operation Permit

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City of Bushnell Administration Offices
117. E. Joe P. Strickland Jr. Avenue
P.O. Box 115
Bushnell, Florida 33513



Phone: (352) 793-2591
Fax: (352) 793-2711

June 26, 2025

Ms. Heather Wilmoth
A.C.M.S., Inc.
d/b/a Heart of Florida Environmental
1032 County Road 529A
Lake Panasoffkee, FL 33538

RE: Notice of Intent to Revoke Construction & Operating Permit

Ms. Wilmoth,

This correspondence serves as formal notice of the City's intent to revoke the Construction & Operating Permit Solid Waste/Landfill, issued in December 2020, for the Heart of Florida Landfill, operated by A.C.M.S., Inc., due to violations of the terms and conditions of the permit and/or applicable regulatory requirements.

Grounds for Revocation

After review of Florida Department of Environmental Protection inspection reports, various complaints, and a site visit, the facility is in violation of the following permit conditions and/or regulatory provisions:

Permit Violations

1. Sub-Section A2. The operation of this solid waste/landfill shall not constitute a hazard or threat to the health, safety or general welfare of the public.

Violation: Based on recent investigations, site inspections, and documented complaints, the operation of the Heart of Florida Landfill has failed to comply with this provision in the following ways:

- During inspections, strong and objectionable odors were confirmed beyond the landfill property boundary. These odors have generated multiple public complaints and have negatively impacted the quality of life for nearby residents, posing a potential nuisance and health concern for sensitive populations.
- The landfill's operational issues, including odor emissions and potential vector attraction, demonstrate a failure to operate in a manner that protects the general welfare of the surrounding community, as required by the permit and applicable regulations.

2. Sub-Section A3. All applicable sections of the Florida Statutes, Florida Administrative Code, and City of Bushnell Code shall be complied with. All activities shall remain in substantial compliance with all permits, authorizations and conditions applicable to the solid waste/landfill. All terms and conditions of permits issued by other agencies for the solid waste/landfill operation, not in conflict with the terms and conditions herein, shall be adhered to.

Violation: An off-site complaint investigation was conducted by the Florida Department of Environmental Protection on May 9, 2025. The investigation confirmed the presence of

objectionable odors detectable beyond the landfill's property line. Specifically, potential noncompliance with the requirements of Chapter 403, Florida Statutes, Rules 62-296.320 and 63-701.530, Florida Administrative Code, and Title V Air Permit No. 1190053-007- AV Conditions FW2 and FW3 were observed. Objectionable odors detectable beyond the landfill's property line also violate City of Bushnell Code of Ordinances Section 15-2(6), which states, "The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance...: All disagreeable or obnoxious odors and stench, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stench."

3. Sub-Section B11. Shall not be visible at a ground elevation of 60 NGVD off site from lands not zoned industrial or public facility infrastructure nor visible on roads traveled by the general public.

Violation: During a recent site visit, it was observed that significant portions of the Heart of Florida Landfill, including active working faces and operational equipment, are clearly visible from one or more adjacent public roadways (Interstate 75 and E C 470).

These violations constitute a material breach of the permit obligations and present a risk to public health, safety, or the environment.

Time to Cure

In accordance with due process and regulatory protocol, A.C.M.S., Inc. is hereby provided a period of thirty (30) calendar days from the date of this notice to correct the above-referenced violations and bring the Heart of Florida Landfill into full compliance.

All corrective actions must be documented and submitted in writing to this office by **July 26, 2025**. Failure to do so may result in final revocation of the operating permit without further notice and potential enforcement action, including but not limited to penalties, fines, or legal proceedings.

Required Action

To cure the violations, A.C.M.S., Inc. must:

- Submit a written Corrective Action Plan (CAP) within 10 days of this notice, detailing steps and timeline for full remediation.
- Provide evidence of completed corrective actions, including logs, photos, reports, or third-party assessments.
- Allow for re-inspection by City of Bushnell and Florida Department of Environmental Protection personnel upon completion of corrective measures.

Contact for Clarification

Should you have any questions or require clarification regarding this notice, please contact:

Kristin Green

Director of Zoning and Code Compliance

352-793-2591

kgreen@cityofbushnellfl.com

Failure to cure these violations within the stated timeframe will result in final revocation of the operating permit, pursuant to Section C. Permit Violation, Remediation Procedures, Permit Suspension or Revocation of the current Construction & Operating Permit.

Sincerely,



Kristin Green
Director of Zoning and Code Compliance
City of Bushnell

cc:

- Michael Eastburn, meastburn@cityofbushnellfl.com
- Morgan Wilson, mwilson@cityofbushnellfl.com
- Dan Gudgel, dan.gudgel@wasteconnections.com
- Karen Smith, karen.smith@wasteconnections.com
- Bradley Arnold, bradley.arnold@sumtercountyfl.gov
- Felix Adams, felixadams@felixadams.com
- Micah Adams, micahadams@felixadams.com
- Bushnell City Council, by email
- Sumter County Board of County Commissioners, by email

Appendix C

ACMS Response to the City's NOI

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WASTE CONNECTIONS
Connect with the Future®

July 7, 2025

Kristin Green
Director of Zoning and Code Compliance
City of Bushnell
117 E. Joe P. Strickland Jr. Avenue
Bushnell, FL 33513
kgreen@cityofbushnellfl.com

**Re: Response to Notice of Intent to Revoke Construction & Operating Permit
A.C.M.S. Inc.
Heart of Florida Landfill**

Dear Ms. Green,

We acknowledge receipt of your June 26, 2025, Notice of Intent to Revoke Construction & Operating Permit regarding the June 25, 2025, Compliance Assistance Offer (CAO) issued by the Florida Department of Environmental Protection (FDEP). We appreciate the opportunity to meet with you and your team to discuss this matter in person and now provide this formal written response.

On July 1, 2025, representatives from Heart of Florida Landfill (Dan Gudgel, Heather Wilmoth, Brett O'Connor, and Don Grigg) met with FDEP representatives (Nathan Hess and Colin Campbell) to review the odor observation noted during FDEP's May 9, 2025, inspection of Trademark Metals Recycling (TMR). During that inspection—conducted at the TMR facility, located approximately 1,600 feet due east of our site—FDEP staff noted an odor they described as consistent with a working face or trash-type odor.

Following our meeting with FDEP, we also met with representatives from the City of Bushnell to review the CAO, share the outcomes of our discussion with FDEP, and provide updates on our ongoing operations.

While we acknowledge the odor detection noted in the CAO, we respectfully maintain that Heart of Florida Landfill is not the source of the numerous off-site odor complaints. This is the only instance in which an off-site odor has been confirmed in proximity to our facility. Furthermore, our compliance history with both air and solid waste inspections has been consistently satisfactory with FDEP.

It is important to note that TMR is located at the entrance to our facility. Given our strong compliance

record, the location and type of the odor detected, and the fact that we receive approximately 7,500 tons of waste per day, we believe the odor may have originated from collection trucks entering the landfill rather than from landfill operations themselves.

Additionally, we attribute a significant portion of the odor complaints to nearby facilities such as Compost USA (CUSA) and TMR, both of which lack the odor mitigation systems we have proactively implemented.

Clarification of FDEP Compliance Status

The City's notice references the CAO issued by the FDEP on June 25, 2025, and asserts that this constitutes a violation of our Title V Air Permit. We respectfully submit that this interpretation is incorrect.

A CAO is not a formal enforcement action and does not constitute a finding of permit violation. It is an informal mechanism used by FDEP to address potential compliance concerns and encourage voluntary corrective action. FDEP's own language in the CAO confirms this:

"The purpose of this letter is to notify the facility of the odors and to offer compliance assistance as a means of resolving this matter." — FDEP CAO, June 25, 2025

We met with FDEP representatives on July 1, 2025, to discuss the CAO and submitted a formal written response on July 3, 2025, outlining our proactive measures and compliance history. We are currently awaiting FDEP's confirmation of closure of this matter.

To provide context, FDEP follows a structured, tiered enforcement process:

1. Compliance Assistance Offer (CAO) – Informal, non-enforcement communication.
2. Warning Letter – Formal notice of potential violation.
3. Notice of Violation (NOV) – Formal enforcement action.
4. Consent Order – Negotiated resolution with stipulated corrective actions.
5. Final Order or Litigation – Legal enforcement.

At this time, no Warning Letter, NOV, or Consent Order has been issued. Therefore, there is no formal finding of noncompliance with our FDEP permit.

Response to Specific Allegations in the City's Notice

Sub-Section A2 – Public Health and Welfare

City's Claim: The City asserts that the operation of the Heart of Florida Landfill constitutes a hazard or threat to the health, safety, or general welfare of the public, citing objectionable odors confirmed

beyond the landfill boundary.

Response: We must respectfully but firmly reject the assertion that our operations pose a threat to public health or welfare. Nowhere in the June 25, 2025 Compliance Assistance Offer (CAO) issued by the Florida Department of Environmental Protection (FDEP) is there any claim, implication, or finding that the Heart of Florida Landfill is endangering public health, safety, or welfare.

The CAO is clear in its purpose and tone: it is a non-enforcement, cooperative communication intended to address a single instance of confirmed off-site odor. The letter explicitly states:

"The purpose of this letter is to notify the facility of the odors and to offer compliance assistance as a means of resolving this matter."

This language is deliberate and significant. FDEP did not issue a Notice of Violation, Warning Letter, or any other formal enforcement action. Nor did it allege that the odor constituted a health hazard, regulatory breach, or environmental emergency. Instead, the CAO outlines a standard, procedural response to a potential compliance concern and invites the facility to respond voluntarily and cooperatively.

Furthermore, the CAO does not reference any data, findings, or conclusions that would support a claim of risk to human health or safety. It does not cite any violations of health-based standards, nor does it invoke any emergency provisions under Chapter 403, Florida Statutes. The document is entirely focused on odor management and mitigation—not on public health impacts.

It is also important to emphasize that this was the only confirmed off-site odor in the operational history of our facility. Our compliance record with FDEP has been consistently satisfactory, and we have proactively implemented odor control measures that exceed regulatory requirements. These include:

- Installation of a gas collection and control system (GCCS) six years ahead of regulatory deadlines.
- Deployment of over 100 gas wells and a high-capacity flare system.
- Use of enhanced daily cover and odor neutralization systems.
- Ongoing investment in infrastructure and monitoring programs.

We take our responsibility to the surrounding community seriously. However, it is critical that regulatory actions and public statements be grounded in facts and supported by the appropriate agencies. In this case, FDEP has not made any finding—explicit or implied—that our operations pose a threat to public health or welfare. Any such conclusion by the City of Bushnell is speculative and unsupported by the record.

We respectfully request that this point be reconsidered and that the City refrain from characterizing the CAO as evidence of a health or safety violation. Doing so misrepresents the nature of the FDEP's

communication and unfairly undermines the integrity of our operations and our longstanding commitment to compliance.

Sub-Section A3 – Compliance with Applicable Laws and Permits

City's Claim: The City asserts that the issuance of a CAO by the FDEP constitutes a violation of applicable laws, rules, and permit conditions, including those of the City of Bushnell, FDEP, and the Florida Administrative Code.

Response: We strongly and unequivocally reject the assertion that the CAO issued by FDEP on June 25, 2025, constitutes a violation of any applicable law, regulation, or permit condition. This interpretation is not only inconsistent with the nature and purpose of a CAO, but it also misrepresents the regulatory framework under which FDEP operates

A Compliance Assistance Offer is not a finding of noncompliance, nor is it a formal enforcement action. It is a pre-enforcement, cooperative communication tool used by FDEP to engage with regulated entities when a potential issue is observed. The CAO issued to Heart of Florida Landfill explicitly states:

"The purpose of this letter is to notify the facility of the odors and to offer compliance assistance as a means of resolving this matter."

This language is clear and unambiguous. The CAO does not allege a violation of law. It does not impose penalties. It does not initiate enforcement. It does not make a legal determination of fault or liability. Instead, it invites the facility to voluntarily address a concern—specifically, a single instance of confirmed off-site odor—through dialogue and corrective action.

To characterize this document as evidence of a violation of Chapter 403, Florida Statutes; Rules 62-296.320 and 62-701.530, Florida Administrative Code; or Title V Air Permit No. 1190053-007-AV is a fundamental misreading of both the letter and the law. FDEP has not issued a Notice of Violation (NOV), Warning Letter, Consent Order, or any other formal enforcement instrument. No citation has been made. No legal process has been initiated. No finding of noncompliance has been rendered.

Moreover, our response to the CAO—submitted on July 3, 2025—demonstrates our full and proactive cooperation with FDEP. We have:

- We promptly took action to minimize off-site odors. On June 16, 2025, we issued CUSA a Notice of Event of Default in response to City Manager Mike Eastburn's May 10, 2025 letter to us regarding code compliance issues at the CUSA facility related to odors.
- Outlined our existing comprehensive odor remediation plan.
- Discussed our already implemented routine odor monitoring program.
- Engaged in direct dialogue with both FDEP and the City of Bushnell.

These actions reflect not only our commitment to compliance but also our leadership in environmental stewardship. We have gone above and beyond the requirements of our permits, including the early installation of a gas collection and control system, enhanced daily cover practices, and significant capital investment in odor mitigation infrastructure.

To suggest that the mere receipt of a CAO constitutes a breach of our legal obligations is not only inaccurate—it is unjust. It undermines the intent of FDEP's compliance assistance framework and penalizes good-faith efforts to resolve concerns collaboratively. It also sets a dangerous precedent that discourages transparency and cooperation between regulated entities and oversight agencies.

We respectfully urge the City to reconsider this position and to recognize that no violation of applicable laws or permits has occurred. The CAO is a procedural tool—not a punitive measure—and our response to it has been thorough, timely, and fully aligned with the expectations of FDEP.

Sub-Section B11 – Visibility of Active Working Face

City's Claim: Portions of the landfill are visible from public roadways.

Response: We acknowledge the City's concern regarding the visibility of landfill operations and appreciate the opportunity to address this matter constructively. While we strive to minimize the visibility of active waste operations to the greatest extent possible, it is important to recognize that the nature of landfill operations—particularly at a high-volume, regional facility such as ours—presents unique challenges. The dynamic and evolving nature of waste placement, cover application, and equipment movement makes complete visual shielding a high bar to meet at all times.

That said, we are committed to continuous improvement and responsiveness. As part of our corrective action strategy, we will be purchasing and installing portable fencing systems to provide additional visual screening of the active working face. These portable barriers will allow us to adapt to changing operational conditions and provide targeted shielding where and when it is most needed.

We also note that the City's permit includes an amendment recorded in March 2013, which allows for the removal of berms in certain areas where natural vegetation provides sufficient screening. If visibility has increased due to vegetation loss, elevation changes, or other factors, we are open to reassessing those areas and implementing additional measures as appropriate.

We are committed to working collaboratively with the City to address this issue. We welcome the opportunity to conduct a joint site visit or review visual screening strategies together. Our goal is to ensure that our operations remain in alignment with the intent of the permit while recognizing the operational realities of a large-scale landfill.

We respectfully request that the City consider our proactive steps and willingness to engage in a

cooperative solution as evidence of our good faith and commitment to compliance.

Corrective Action Plan and Request for Reconsideration

We are committed to full compliance with both FDEP and City of Bushnell requirements. In accordance with your notice, we have prepared a Corrective Action Plan (CAP) as requested.

We respectfully submit that our July 3, 2025 response to FDEP—which includes immediate and long-term odor mitigation measures—fully satisfies the intent and substance of a CAP as outlined in the FDEP Compliance Assistance Offer.

Specifically, our response to FDEP includes:

- Immediate steps to reduce objectionable odors.
- Discussing the existing odor remediation plan, detailing the nature and extent of the issue, and long-term infrastructure upgrades.
- Overview of our routine odor monitoring program to evaluate effectiveness and ensure ongoing compliance.
- Organizing a public meeting at Bushnell City Hall to provide transparency, share information about landfill operations, and address community concerns directly. This meeting will serve as an open forum for residents to ask questions, learn about our odor mitigation efforts, and engage with our team in a constructive dialogue. This initiative reflects our commitment to being a responsive and responsible member of the community.

These actions were covered in our July 1, 2025 meetings with the City of Bushnell and FDEP, and are now under agency review. We are confident that these measures meet or exceed the expectations outlined in the CAO and demonstrate our proactive approach to environmental stewardship.

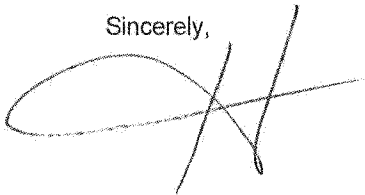
Given the absence of a formal violation from FDEP and our comprehensive response, we respectfully request that the City reconsider its intent to revoke our operating permit. We are confident that our actions demonstrate a good-faith effort to address concerns and maintain compliance.

Conclusion

We value our partnership with the City of Bushnell and remain committed to operating the Heart of Florida Landfill in a manner that protects the environment and community. We welcome the opportunity to meet with City staff to further discuss our response and next steps.

Please do not hesitate to contact us with any questions or to schedule a follow-up meeting.

Sincerely,

A handwritten signature in black ink, appearing to be 'H Wilmoth', with a large loop at the start and a cross-like flourish.

Heather Wilmoth.
District Manager
A.C.M.S., Inc. / Heart of Florida Landfill

Attachment: Response to FDEP CAO

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Attachment
July 3, 2025 Response to FDEP CAO



WASTE CONNECTIONS
Connect with the Future®

July 3, 2025

Colin Campbell
Environmental Manager
Florida Department of Environmental Protection
Central District Office
3319 Maguire Blvd., Suite 232
Orlando, FL 32803

**Re: Response to June 25, 2025 Compliance Assistance Offer
A.C.M.S. Inc.
Heart of Florida Landfill – Air Facility ID #1190053 WACS ID# 85764**

Dear Mr. Campbell,

We acknowledge receipt of your June 25, 2025 Compliance Assistance Offer (CAO) regarding the May 9, 2025 odor inspection. We appreciate the opportunity to meet with you and your team to discuss the matter in person and provide this formal written response.

On July 1, 2025, representatives from Heart of Florida Landfill (Dan Gudgel, Heather Wilmoth, Brett O'Connor, and Don Grigg) met with FDEP representatives (Nathan Hess and Colin Campbell) to discuss the odor noted during your May 9, 2025 inspection of Trademark Metals Recycling (TMR). The odor was observed due east of our site at the TMR facility, approximately 1,600 feet from our property, while your team was conducting an inspection at that location.

Following our meeting with FDEP on July 1, 2025, we also met with the City of Bushnell to review the Compliance Assistance Offer and discuss our ongoing operations.

We acknowledge the odor detection noted in your report; however, we must respectfully state that we believe Heart of Florida Landfill is not the source of the numerous off-site odor complaints. This is the only time an off-site odor has been confirmed near our facility. Additionally, our compliance history with air and solid waste inspections has been consistently satisfactory with FDEP. It is important to note that Trademark Metals Recycling (TMR) is located at the entrance of our facility. Given the compliance history of our site, its location at the entrance, and the fact that we accept approximately 7,500 tons per day, we believe the odor noted could have been from collection trucks entering the landfill and not from the landfill operations itself.

We attribute a majority of the complaints to nearby facilities such as Compost USA (CUSA) and TMR, which lack odor mitigation systems.

Heart of Florida Landfill has invested in proactive odor control measures, surpassing air permit and FDEP-approved Odor Management Plan requirements. Our NMOC emission rate does not require a gas collection system until January 2028. However, we exceeded compliance by installing our system in 2021, six years ahead.

We have taken many actions beyond our solid waste and air permit requirements:

- Installation of a gas collection and control system (GCCS) in 2021, with annual expansions to match operational growth.
- Incorporate infrastructure during the cell construction events to be able to rapidly collect landfill gas once waste has been placed.
- Our flare is currently permitted to 3,000 standard cubic feet per minute (scfm) of landfill gas. The system is currently flowing at 2,500 scfm.
- A total of 105 landfill gas collection wells have been installed across 97.5 acres of landfill, and landfill gas is being collected from 14 leachate collection system risers.
- We have a full time, onsite, GCCS operations team that includes a dedicated GCCS operations manager and five employees who routinely maintain the wellfield and dewatering pumps.
- We have proactively permitted and installed a leachate evaporator to help ensure the wellfield remains dewatered, preventing perforations in the gas collection wells from being watered in and reducing gas collection efficiency.
- Pumps are installed in all GCCS wells to maximize gas collection.
- We are disposing of approximately 1 million gallons of leachate per week, most of which is generated from the wellfield.
- We have invested \$5.4M in GCCS infrastructure since 2021.
- During our December 2024 GCCS installation project, we identified the potential for odors during drilling activities. In our Q2 2025 drilling project, we implemented a vacuum box system to collect gas during drilling activities to minimize potential for odor emissions.
- Our daily cover practices exceed permit requirements: while we are permitted for 6 inches of alternative daily cover (ADC), we typically apply approximately 2 feet daily.
- On June 16, 2025, we provided a Notice of Event of Default to CUSA, our tenant, as they are operating on our property. This notice was issued due to non-compliance with certain lease conditions related to odors, and we are actively working with them to cure the concerns raised.

In response to the odor noted during your inspection, we will be taking the following immediate and planned actions:

- In the next two weeks we will apply for an air construction modification to increase the evaporator's fuel burn capacity to achieve the permitted 60,000 gallons per day throughput, further supporting wellfield dewatering and enhancing landfill gas collection.
- In the next two weeks we will apply for a permit to increase flare capacity to 5,000 scfm.

- In the next 4 weeks we will commence installing an odor neutralizing system at the working face.
- We recently met with the City of Bushnell to discuss our ongoing efforts and commitment to addressing odor concerns that may be a result from our operations. As part of our outreach, we will be organizing a public meeting at the city hall where residents are invited to come and ask questions about the landfill operations. This meeting will serve as an open forum for the community to engage with us directly, voice their concerns, and receive information on the measures we are implementing to mitigate any impacts.
- We are actively investigating the installation of an odor neutralizing system at the leachate evaporator.

We believe these actions fully satisfy the requirements outlined in the CAO, including:

1. Immediate steps to reduce objectionable odors;
2. Submission of an odor remediation plan describing the nature and extent of the issue and our long-term remedy; and
3. Implementation of a routine odor monitoring program

We are committed to environmental stewardship and regulatory compliance and will continue to work closely with FDEP to ensure that our operations do not contribute to off-site odor impacts. We respectfully request that this response be considered in closing the matter outlined in your June 25, 2025 CAO. Additionally, we would appreciate receiving written confirmation of acceptance of these actions so that we can demonstrate our commitment to our host community, Bushnell.

Please do not hesitate to contact us if you require additional information or would like to schedule a follow-up site visit.

Sincerely,

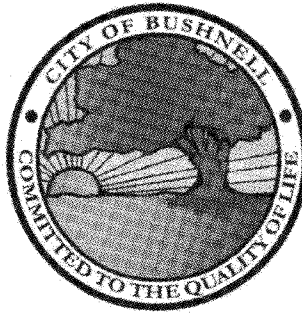


Brett O'Connor, P.E.
Southern Region Engineering Manager
Waste Connections

Appendix D

City of Bushnell Formal Acceptance of CAP and Extension of Compliance Deadline

City of Bushnell Administration Offices
117. E. Joe P. Strickland Jr. Avenue
P.O. Box 115
Bushnell, Florida 33513



Phone: (352) 793-2591
Fax: (352) 793-2711

July 26, 2025

Ms. Heather Wilmoth
District Manager
A.C.M.S., Inc.
d/b/a Heart of Florida Environmental
1032 County Road 529A
Lake Panasoffkee, FL 33538

RE: Acceptance of Corrective Action Plan and Extension of Compliance Deadline

Ms. Wilmoth,

Thank you for submitting your corrective action plan dated July 7, 2025, in response to the Notice of Intent to Revoke Construction & Operating Permit issued on June 26, 2025, by the City of Bushnell.

Following a review of your response, the facility's compliance history, and consultation with relevant agencies, the City of Bushnell acknowledges that A.C.M.S., Inc. has taken meaningful corrective and preventive actions in response to the concerns raised in the City's June 26, 2025, notice. Accordingly, we formally accept the plan as submitted.

In recognition of the steps outlined and to provide sufficient time for full implementation, we are extending the deadline for compliance to December 1, 2025. Please ensure that all corrective actions are completed by this date and that appropriate documentation is submitted upon completion.

We are pleased with the cooperative spirit your team has demonstrated and your commitment to continuous improvement. The City values this partnership and looks forward to maintaining an open line of communication as we work together to ensure the landfill operates in a manner that safeguards the quality of life of our residents.

Should you have any questions or require further clarification, please do not hesitate to contact me directly at 352-793-2591 or meastburn@cityofbushnellfl.com.

Sincerely,

Michael J. Eastburn
City Manager
City of Bushnell

cc:

- Morgan Wilson, mwilson@cityofbushnellfl.com
- Dan Gudel, dan.gudel@wasteconnections.com
- Karen Smith, karen.smith@wasteconnections.com
- Bradley Arnold, bradley.arnold@sumtercountyfl.gov
- Felix Adams, felixadams@felixadams.com
- Micah Adams, micahadams@felixadams.com
- Bushnell City Council, by email
- Sumter County Board of County Commissioners, by email

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Appendix E

Olfactory Sampling Results

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Olfactory Sampling Observations

Sampling was conducted during the site visits on October 9, October 17, October 23, and November 12, 2025. Olfactory sampling was performed across multiple locations on all sides of the Landfill throughout each day, in a variety of environmental conditions. Temperatures varied from 62°F to 86°F, with variable cloud cover, wind speed and direction, and precipitation. Winds were predominantly from the north-northeast (N-NE) direction.

A total of 112 olfactory samples were performed (see tables and figures 1 to 4 below).

Table 1 Readings Collected During Site Visit No. 1

#	Time	Location	Landmark/ Observations	Temperature (F)	Weather Condition	Wind Direction	Description of Odor
1	7:55 AM	2195 W C 48, Bushnell, FL 33513	McDonald's Parking Lot	79F	Cloudy	N	Diesel/Gas Exhaust/Earthy
2	9:16 AM	SR 48 & Belt Ave		79F	Cloudy	N	No Odor Detected
3	9:19 AM	Belt Ave & Main St		79F	Cloudy	N	Exhaust
4	9:21 AM	SR 301 & Lawrence Street		79F	Cloudy	N	No Odor Detected
5	9:24 AM	CR 540 & CR 538		79F	Cloudy	N	Manure
6	9:26 AM	CR 543 & Minnesota Road		79F	Cloudy	N	No Odor Detected
7	9:31 AM	CR 543B & 301		79F	Cloudy	Wind Still	No Odor Detected
8	9:35 AM	Along 301 going N		79F	Cloudy	N	Wood Burning
9	9:38 AM	SR 301 & CR 470	Transfer trucks passing	79F	Cloudy	N-NE	No Odor Detected
10	9:40 AM	Along CR 470	Transfer trucks passing	79F	Cloudy	N-NE	Garbage
11	9:43 AM	534 CR 529A, Lake Panasoffkee, FL, 33538	UAS of America Liquid Fertilizer Facility	79F	Cloudy	N-NE	Wet Wood
12	9:44 AM	991 CR 529A, Lake Panasoffkee, FL, 33538	Trademarks Metals Recycling Facility	79F	Cloudy	N-NE	Manure
13	9:45 AM	1032 CR 529A, Lake Panasoffkee, FL, 33538	Heart of Florida Landfill Facility	79F	Cloudy	N-NE	MSW

#	Time	Location	Landmark/ Observations	Temperature (F)	Weather Condition	Wind Direction	Description of Odor
14	2:25 PM	Along CR 475	West of LF	85F	Cloudy	N-NE	No Odor Detected
15	2:26 PM	Along CR 475	West of LF	85F	Cloudy	N-NE	No Odor Detected
16	2:28 PM	Along CR 475	West of LF	85F	Cloudy	N-NE	Manure
17	2:35 PM	CR 532 & SR 301	Cemetery	85F	Cloudy	N-NE	No Odor Detected
18	2:45 PM	CR 540 & 543A		82F	Raining	E	No Odor Detected



Figure 1 Site Visit No.1 Readings Map

Table 2 Readings Collected During Site Visit No. 2

#	Time	Location	Landmark/ Observations	Temperature (F)	Weather Condition	Wind Direction	Description of Odor
1	7:30 AM	2195 W C 48, Bushnell, FL 33513	McDonald's Parking Lot	66F	Sunny	N-NE	Manure, Exhaust
2	7:42 AM	Belt Ave & N Main St	In front of train tracks	66F	Sunny	N-NE	No Odor Detected
3	7:45 AM	SR 475 & Belt Ave		66F	Sunny	N-NE	No Odor Detected
4	7:48 AM	704 N Main St., Bushnell, FL, 33513	South Sumter High School Entrance Gate	67F	Sunny	N-NE	No Odor Detected
5	7:52 AM	850 N Main St., Bushnell, FL, 33513	South Sumter Plaza Parking Lot	68F	Sunny	N-NE	No Odor Detected
6	7:55 AM	CR 475 & CR 542W		69F	Sunny	N-NE	No Odor Detected
7	8:36 AM	Along CR 475	Next to the train tracks, a train passed	69F	Sunny	N-NE	No Odor Detected
8	8:40 AM	Along CR 475	W of LF	70F	Sunny	N-NE	No Odor Detected
9	8:42 AM	Along CR 475	W of LF	72F	Sunny	N-NE	No Odor Detected
10	8:47 AM	910 CR 482N, Lake Panasoffkee, FL, 33538	Lake Panasoffkee Apartments	72F	Sunny	N-NE	No Odor Detected
11	8:49 AM	CR 527S & CR527E	W of LF	72F	Sunny	N-NE	No Odor Detected
12	8:52 AM	CR 527E & CR 529	W of LF	72F	Sunny	N-NE	No Odor Detected
13	9:13 AM	Along CR 470	N of LF	72F	Sunny	N-NE	MSW
14	9:18 AM	Along CR 470	N of LF	72F	Sunny	N-NE	No Odor Detected
15	9:23 AM	Along CR 471	E of LF	75F	Sunny	N-NE	No Odor Detected
16	9:25 AM	CR 528	E of LF	75F	Sunny	N-NE	No Odor Detected
17	9:31 AM	CR 539 & CR 523	Mobile Home Community	76F	Sunny	N-NE	No Odor Detected
18	9:38 AM	CR 541 & CR 524	E of LF	76F	Sunny	N-NE	No Odor Detected
19	10:04 AM	CR 526 & CR 541	Sumterville Sand Facility/Air Curtain Parcel Road Entrance	76F	Sunny	Still	No Odor Detected
20	10:16 AM	CR 534A		77F	Sunny	Still	No Odor Detected

#	Time	Location	Landmark/ Observations	Temperature (F)	Weather Condition	Wind Direction	Description of Odor
21	10:23 AM	1858 Illinois St, Bushnell, FL 33585	Sumter Villas - Garbage Bins outside all homes	79F	Sunny	N-NE	Garbage
22	10:31 AM	CR 543B		81F	Sunny	N-NE	No Odor Detected
23	10:43 AM	US 301 & CR 475		79F	Sunny	N-NE	Burning Odor
24	12:41 PM	324 County Rd 482 N, Lake Panasoffkee, FL 33538	Heartland Agro Splenda Extraction Facility	83F	Sunny	E	No Odor Detected



Figure 2 Site Visit No.2 Readings Map

Table 3 Readings Collected During Site Visit No. 3

#	Time	Location	Landmark/ Observations	Temperature (F)	Weather Condition	Wind Direction	Description of Odor
1	7:15 AM	2195 W C 48, Bushnell, FL 33513	McDonalds Parking Lot	62F	Sunny	N-NE	No Odor Detected
2	8:25 AM	Belt Ave & N York St		68F	Sunny	N-NE	No Odor Detected
3	8:28 AM	SR 475 & Belt Ave		68F	Sunny	N-NE	No Odor Detected
4	8:31 AM	850 N Main St., Bushnell, FL, 33513	South Sumter Plaza Parking Lot	68F	Sunny	N-NE	Mild Wood Burning
5	8:37 AM	CR 475 & Walker Ave		67F	Sunny	N	Mild Odor - Possibly Pond
6	8:42 AM	4628 CR 475, Bushnell, FL 33513	Paradise Oaks RV resort	65F	Sunny	N	Mild MSW
7	8:47 AM	CR475 & CR 532W		66F	Sunny	N	Mild Manure
8	8:50 AM	Along CR 475	W of LF	66F	Sunny	N	Mild Compost Earthy
9	8:56 AM	Along CR 475	W of LF	66F	Sunny	N	No Odor Detected
10	9:02 AM	Along CR 475	W of LF	67F	Sunny	N-NE	No Odor Detected
11	9:07 AM	22 E C 470, Lake Panasoffkee, FL 33538	Circle K Gas Station	69F	Sunny	N-NE	No Odor Detected
12	9:14 AM	910 CR 482N, Lake Panasoffkee, FL, 33538	Lake Panasoffkee Apartments	69F	Sunny	N-NE	Burning Wood
13	9:22 AM	CR 527S & CR527A	Great Southern Wood Preserving	69F	Sunny	N-NE	Diesel Exhaust
14	9:24 AM	CR 527	W of LF & can see the working face of LF	69F	Sunny	N-NE	No Odor Detected
15	9:29 AM	CR 470 & CR 529E	N of LF	69F	Sunny	N-NE	No Odor Detected
16	9:34 AM	Along CR 529	LF Entrance	70F	Sunny	N-NE	No Odor Detected

#	Time	Location	Landmark/ Observations	Temperature (F)	Weather Condition	Wind Direction	Description of Odor
17	9:36 AM	534 CR 529A, Lake Panasoffkee, FL, 33538	UAS of America Liquid Fertilizer Facility	72F	Sunny	Still	No Odor Detected
18	9:39 AM	991 CR 529A, Lake Panasoffkee, FL, 33538	Trademarks Metals Recycling Facility	73F	Sunny	Still	No Odor Detected
19	9:41 AM	991 CR 529A, Lake Panasoffkee, FL, 33538	Trademarks Metals Recycling Facility/Multiple Dump Trucks Entering LF	71F	Sunny	N-NE	MSW
20	9:51 AM	CR 526 & CR 541	Sumterville Sand Facility/Air Curtain Parcel Road Entrance	71F	Sunny	N-NE	No Odor Detected
21	9:57 AM	CR 471 & CR526		72F	Sunny	N-NE	No Odor Detected
22	10:03 AM	2452 County Rd 526 E, Sumterville, FL 33585	Corner Stone Hospice	73F	Sunny	Still	No Odor Detected
23	10:10 AM	2294 County Rd 526 E, Sumterville, FL 33585	Southern Aggregates Inc	73F	Sunny	N-NE	No Odor Detected
24	10:12 AM	CR 526 & CR 539		73F	Sunny	Still	No Odor Detected
25	10:23 AM	N Market St & Noble Ave	Train Passing	73F	Sunny	Still	No Odor Detected
26	12:54 PM	CR 475 & CR 314		82F	Sunny	Still	No Odor Detected
27	12:58 PM	CR 475 & Jumper Creek		82F	Sunny	Still	No Odor Detected
28	1:02 PM	CR 532 & SR 301	Cemetery	83F	Sunny	N-NE	No Odor Detected
29	1:06 PM	Along CR 475	W of LF	83F	Sunny	N-NE	No Odor Detected
30	1:12 PM	Along CR 475	W of LF	83F	Sunny	N-NE	Mild Earthy Odor
31	1:16 PM	Along CR 475	W of LF/On- site Manure	84F	Sunny	N	Manure
32	1:20 PM	Along CR 475	NW of LF	84F	Sunny	N	Intermittent Mild MSW

#	Time	Location	Landmark/ Observations	Temperature (F)	Weather Condition	Wind Direction	Description of Odor
33	1:26 PM	CR 494 & CR 491W		83F	Sunny	N-NE	No Odor Detected
34	1:30 PM	CR 489A Lake Panasoffkee, FL, 33538	Sumter Recycling and Solid Waste Disposal	83F	Sunny	N	No Odor Detected
35	1:33 PM	190 NW 4th Dr, Lake Panasoffkee, FL 33538	Lake Panasoffkee RV Village	83F	Sunny	N	No Odor Detected
36	1:57 PM	CR 528 and CR 301		84F	Sunny	Still	No Odor Detected
37	2:00 PM	1858 Illinois St, Bushnell, FL 33585	Sumter Villas	84F	Sunny	N-NE	No Odor Detected
38	2:07 PM	SR 543A	Can hear LF operations	83F	Sunny	N	No Odor Detected
39	2:13 PM	SR 543B	Can hear LF operations	84F	Sunny	N	No Odor Detected
40	2:29 PM	Along CR 475	W of LF	84F	Sunny	Still	No Odor Detected
41	2:36 PM	Along CR 475	W of LF	84F	Sunny	N-NE	Intermittent Mild MSW
42	2:40 PM	Along CR 475	W of LF	86F	Sunny	Still	No Odor Detected
43	2:42 PM	Along CR 475	W of LF	88F	Sunny	N	No Odor Detected
44	2:44 PM	Along CR 475	W of LF	88F	Sunny	N	No Odor Detected
45	2:48 PM	Along CR 475	W of LF	88F	Sunny	N	Earthy



Figure 3 Visit No.3 Readings Map

Table 4 Readings Collected During Site Visit No. 4

#	Time	Location	Landmark/ Observations	Temperature (F)	Weather Condition	Wind Direction	Description of Odor
1	10:15AM	2195 W C 48, Bushnell, FL 33513	McDonalds Parking Lot	63F	Sunny	No wind	No odor
2	11:31 AM	850 N Main St., Bushnell, FL, 33513	South Sumter Plaza Parking Lot	64F	Sunny	No wind	Mild Woody odor
3	11:34 AM	1122 N Main St, Bushnell, FL 33513	Aldi	64F	Sunny	N-ne	No odor

#	Time	Location	Landmark/ Observations	Temperature (F)	Weather Condition	Wind Direction	Description of Odor
4	11:39 AM	4628 CR 475, Bushnell, FL 33513	Paradise Oaks RV resort	64F	Sunny	No wind	Fresh cut grass
5	11:44 AM	CR475 & CR 532W		64F	Sunny	No wind	Mild manure smell
6	11:46 AM	Along SR 475	SW of LF/ W of compost USA	65F	Sunny	No wind	Mild earthy compost
7	11:57 AM	Along SR 475	W of LF	65F	Sunny	No wind	No odor
8	12:00 PM	Along SR 475	NW of LF	66F	Sunny	No wind	Mild wood burning
9	12:07 PM	910 CR 482N, Lake Panasoffkee, FL, 33538	Lake Panasoffkee Apartments	65F	Sunny	No wind	No odor
10	12:10 PM	790 County Rd 482 N, Lake Panasoffkee, FL 33538	Lake Panasoffkee Elementary School	66F	Sunny	No wind	No odor
11	12:14 PM	CR 482N & CR 489	Green houses	67F	Sunny	No wind	Mild earthy manure
12	12:23 PM	190 NW 4th Dr, Lake Panasoffkee, FL 33538	Lake Panasoffkee RV Village	68F	Sunny	No wind	No odor
13	12:29 PM	22 E C 470, Lake Panasoffkee, FL 33538	Circle K Gas Station	68F	Sunny	No wind	No odor
14	12:35 PM	CR527E	W of LF & can see the working face of LF	69F	Sunny	No wind	No odor
15	12:45 PM	534 Co rd 529A, Lake Panasoffkee, FL, 33538	UAS of America Liquid Fertilizer Facility	69F	Sunny	No wind	No odor
16	12:47 PM	994 Co Rd 529A, Lake Panasoffkee, FL 33538	Humane Society of Sumter County/In front of LF	69F	Sunny	No wind	No odor
17	2:41 PM	SR543A & SR301	SE of LF/active fire in front of property	70F	Sunny	No wind	Smoke
18	3:11 PM	Among SR 471	Eagles roofing Company	71F	Sunny	No wind	Mild diesel exhaust

#	Time	Location	Landmark/ Observations	Temperature (F)	Weather Condition	Wind Direction	Description of Odor
19	3:15 PM	Along CR 529	LF entrance	71F	Sunny	No wind	No odor
20	3:22 AM	Along 475	W of LF	71F	Sunny	No wind	No odor
21	3:24 AM	Along 475	W of LF	71F	Sunny	No wind	No odor
22	3:28 AM	Along 475 (same location of reading #16)	W of LF	71F	Sunny	No wind	No odor
23	3:31 AM	Along 475	W of LF	71F	Sunny	NW	No odor
24	3:34 AM	Along 475	W of LF	71F	Sunny	NW	No odor
25	3:38 AM	CR532 & SR 301	Cemetery	70F	Sunny	N-NW	No odor

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Figure 4 Visit No.4 Readings Map

**UNOFFICIAL
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THE HOGAN LAW FIRM®

We mean businessSM

April 10, 2026

Exhibit "B"

Ms. Heather Wilmoth
District Manager
ACMS, Inc.
Heart of Florida Landfill
1032 County RD 529
Lake Panasoffkee, FL 33538

Dear Ms. Wilmoth:

I serve as the county attorney for the Sumter County Board of County Commissioners, and am writing at their direction regarding ongoing concerns with the Heart of Florida Landfill.

It is understood that A.C.M.S, Inc. operates the Heart of Florida Landfill under the following permits and approvals:

- FDEP Solid Waste Construction Renewal Permit 0161263-024-SC-01
- FDEP Solid Waste Operation Renewal Permit No. 0616263-025-SO-MM
- FDEP Environmental Resource Permit (ERP) No. 60-0286227-02
- FDEP ERP No. 60-0286227-004
- FDEP ERP No. 60-0286227-008
- FDEP Title V Air Operating Permit No. 1190053-005-AV
- City of Bushnell Construction and Operation Permit

While none of these permits are issued by the Sumter County Board of County Commissioners, and while the Heart of Florida Landfill is located within the municipal limits of the City of Bushnell, the Sumter County Board of County Commissioners does have general statutory home rule authority under Chapter 125, Florida Statutes, to act in manners that promote the general health, safety and welfare of the residents of the county.

As you are aware beginning in Spring 2025, Sumter County residents began to voice complaints regarding extensive odors in the area adjacent to and neighboring the Heart of Florida Landfill property. Since then the Florida Department of Environmental Protection (FDEP) issued a Compliance Assistance Offer (June 25, 2025) and the City of Bushnell (the City) issued a Notice of Intent to Revoke (June 26, 2025). The County acknowledges that A.C.M.S., Inc. submitted a response to the FDEP and the City by providing a Corrective Action Plan (CAP) (July 3, 2025). The County also acknowledges that Arcadis, the City's consultant, in its report dated December 9, 2025, concluded that the corrective actions included in the CAP were completed and that the violations noted in the City's Notice of Intent were cured.

With that said, since December 2025, the Sumter County Board of County Commissioners (the County) continues to receive ongoing citizen complaints about recurring obnoxious odors and poor air quality in the surrounding areas, particularly in and around Lake Panasoffkee neighborhoods. This is an indication that the odor and air quality issues previously identified, have

not been cured on a consistent, routine and reliable basis; and that they remain an ongoing occurrence. To that end, the County Commission has authorized the pursuit of legal action on behalf of the residents of Sumter County.

It is our intent to seek injunctive relief to compel consistent, routine and reliable compliance with all terms and conditions of the various permits related to the operation of the Heart of Florida Landfill, particularly with respect to odor and air quality, and to pursue claims for public nuisance given the impact the odors and air quality have on area residents.

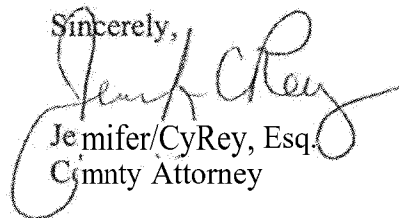
DEMAND is hereby made that A.C.M.S., Inc. and any agents, contractors, or other related parties, at the Heart of Florida Landfill immediately and consistently comply with the:

- Requirements of Chapter 403, Florida Statutes,
- Rules 62-296.320 and 63-701.530, Florida Administrative Code; and
- Terms and conditions of the permits specified herein, specifically, the odor control and air quality provisions of Title V Air Permit No. 1190053-007- AV.

It is expected that A.C.M.S., Inc. take any and all actions necessary to prevent, mitigate or remediate any proliferation of objectionable odors and contributions to poor air quality which may be originating from the Heart of Florida Landfill that are permeating throughout the surrounding communities.

To the extent that the County continues to receive complaints from neighboring residents as to objectionable odors and poor air quality originating from the Heart of Florida Landfill, and should A.C.M.S., Inc. fail to comply with the demand outlined herein, the County intends to continue to pursue its legal rights to protect the health, safety and welfare of Sumter County residents. We are prepared to file suit should this matter remain unresolved to the satisfaction of the Board of County Commissioners.

GOVERN YOURSELF ACCORDINGLY.

Sincerely,

Jennifer CyRey, Esq.
County Attorney

cc: Sumter Board of County Commissioners